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LES
TERMES DE LA LEY:

OR
Certaine difficult and ob-
scure Words and Termes of the Common
Lawes and Statutes of this Realme now in vse
expounded and explained.

Newly imprinted, and much in-
larged and augmented.

With a new Addition of
about two hundred and fifty words.

H O R: *Multa renascentur quæ jam cecidere, cadentque
Quæ nunc sunt in honore vocabula, si volet usus.*



LONDON,
Printed by the Assignies of John More
Esquire. 1638.

THE ALPHABET

350.03

R23

1636

LONDON

Printed by the University of London

1896

CY ENSVIST LE TABLE DE TOVTS LES TITLES CONTEINVS

en cest Lieur; auxy bien ceux *que*
fueront par deuant, come tiels queux
font nouelment adioindre, que
vous troueres signes avec cest
astetisme.

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Quare incumbit
Quare intrufit matrimonio non fa-
tisfacto
Quare non admittit
Quarentine
Quarels
Quid iuris clamat
Quinzime
Quod ei deforecat
Quod permittat
Quo iure
Quo minus
Quo Warranto

R

Rafome
Rape
Rationabili parte bonorum
Rationabilibus diuifis
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reprendes.*

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1. O. R. 2. To the President of the
University.

Termes of the L A W.

1 Abatement of a Writ
or Plaint.

Abatement de briefe
ou Plaint.



Abatement of a
Writ or Plaint,
is when an action
is brought by
Writ or Plaint,

wherein is lack of sufficient
good matter, or else the mat-
ter alleged is not certainly
set downe, or if the plaintife
or defendant, or place are mis-
named, or if there appeare
variance betweene the Writ
and the Specialty, or record,
or that the Writ or the Decla-
ration bee uncertaine, or for
death of the plaintife or de-
fendant, and for diuers other
like causes, then upon those
defaults the defendant may
pray that the Writ or Plaint
may abate, that is to say, that
the plaintifes suit against
him may cease for that time, &
that hee shall begin againe his



Abatement de bfe
ou plaint est
quant vn action
est port p briefe
ou plaint, in que

faute sufficient & bone matter
ou autrement le matter al-
legee n'est certainement al-
legee, ou si le plaintife ou de-
fendant, ou lieu s'excuse s'm,
ou si la appeare variance pe-
renner le briefe & le special-
tie, ou recorde, ou que le bfe
ou declaration sont vincer-
taine, ou p mort del plaintife
ou defendant, & pur diuers
autres semblable causes, don-
ques sur ceux defaults, le de-
fendant poit prier que le
briefe ou plaint abatera, cest
adire, que le suit del
plaintife enuers luy cessera
pur cest temps, & que il
commencera auf temps son
suit,

The Exposition of

list, & port vn nouel briefe ou plaint, sil soit issint dispose a faire. Mes si le def. en ascun action plede vn matter en barre pur adnuller de action a tous iours, il ne viendra apres a pleder en abatement de briefe, mes si apres il apiert in le Record que est ascun matter apparant purque le briefe doit estre abate, donque le def. ou ascun auter person, vt amicus curie poit bien plede & monstre ceo en arrest de iudgement.

Veies les titles de briefe Misnomer, & Variance en les Abridgements, & le liuer appel le Digests del briefes, enquest est fort bien entreat especialment de ceux matters.

list, and bring a new writ or plaint, if hee be so disposed to doe. But if the Defendant in any action pleade a matter in barre, for to adnull the action for euer, he shall not come afterwards to plead in abatement of the writ, but if after it appeare in the Record, that there is some matter apparant, for the which the writ ought to be abated, then the Def. or any person as a friend to the Court may well plead and shew them in arrest of iudgement.

See the titles of writ, Misnomer and Variance in the Abridgements, and the booke called the Digests of writs, in which it is very well entreated, especially of these matters.

	Fault de sufficient ou bone matter.	
	Le matter nest certainement alledge.	
	Plaintife, Defendant ou Lieu	} Misnomer.
Causes de Abatement de briefe ou plaint.	Variance enter	} Briefe, Specialty ou Record.
	Vncertainty del	} Briefe, Count, ou declaration.
	Mort	} Plaintife, ou Defendant.

Abate-

1. Abatement in lands.

A Batement in lands or tenements, is when a man by which he is seized of lands or tenements, and one that hath no right entry into the same lands or tenements, before the heire maketh his entry, this entry of him is called an abatement, & he an Abator. But if the heire enter first after the death of his ancestor, and the other enter upon the possession of the heire, this entry of him, is a disseisin to the heire. Look in the booke of Entries, fol. 83. c. & 205. d. & 319. c. where this word Abatement is called in Latine Intrusio. And I thinke it better to call it in Latin, Interpositio, or Intratio per interpositionem, to make a difference betwene this word and intrusion after the death of the tenant for life.

Abatement en terres.

A Batement en terres ou tenemens est quant un homme morant seist de ses ou tenens & un que n'ad droit entra in mesmes les terres ou tenemens deuant que le heire fise son entre, cest entry de luy est appell vn Abatement, & il vn Abator. Mes si le hr'e enter primes apres le mort de son ancestor, & le autre enter sur le possession del heire, cest entry de luy est vn disseisin al heire. Vide lictur Dentries, fo. 83. c. & 205. d. & 319. c. leu cest abatement est appel en Latin, Intrusio. Et iceo entend estre meillur de appeller iceo en Latin, Interpositio, ou intratio per interpositionem, de faire difference entre ceo parol & intrusion puis le mort de le tenant pur vie.

3. Abbot.

A Bbot, was the soueraign head, or chefe of those houses, which when they first were called Abbeyes, and this Abbot together with the Monks of the same house, who were called the Couent, made a Corporation: such a soueraigne of any such house, shall not be charged by the act of his predecessor, if it bee not by common seale, or for such things which cometh to the

Abbe.

A Bbe fust le soueraigne recteur, ou principal de ceux maisons, queux qñ ilz fueront appel Abbeyes, & cest abbe ensemble avec les Moignes de la maison, queux furent appell le couent, firent vn Corporacion & nul souerain ne sera charge par least de son predecessor, si ne soit par commun seale, ou p riel chose que vient al vs de son

meafon. Auxy vn Abbe ne
ferra charge per le det en que
fon cōmoigne fuit in der de-
uant ſb entſ in Religio meſ-
que le creditor ad de ceo vn
eſpecialty, ſi non que il auoit
deuenus al vſe de ſon meafon.
Mes les executors del com-
moigne ferr' charge oue
eco.

Vide ſ. 200 en le Abridge-
ments meſme title, de ſou-
quel veies coment aſcuns de
ceux fueront electiue, aſcun
preſentatiue. Et coment fue-
ront preſects, & leur autho-
rity. Et in cel title ſont auxy
comprehend tous autres
Corporations ſpirituall, cōe.
Prior & ſon Couent, Friers
& Canons, Deane & Chap-
ter.

4

Abbettors.

A Bbettors ſont in diuers
caſes diuerſemēt priſe.
vn kind de abbettours
ſont ceux q̄ malicioſſimē ſans
droitur' cauſe ou deſert, pro-
eur' auſs & ſuer faux appels
de murder ou felony enuers
homes al entent de troubles
& greuer eux, & pur faire
eux en infamie & ſlauder.
Abbettors en murd ſōt cōe
que command, procure, coun-
ſell, ou comfort auſs & mur-
der. Et en aſc' caſe tiel abbet-
tors ſeront priſes come
principals, & en aſcun caſe
ſorſque come acceſſories: li-
ſſe en autres felonies. Et leur

uſe of his houſe. Wiſſam Abbot
ſhall not be charged for the
debt of his Monke before his
entry in Religion, though the
creditor haue an eſpecialty
thereof, except that it haue
come to the uſe of his houſe.
But the executors of the
Monk ſhall be charged ther-
with.

Looke for this in the A-
bridgements the ſame title,
vnder which you ſhall ſee that
ſome of them were electiue,
ſome preſentatiue. And how
they were made gouernours,
and their authority. And in
this title are alſo comprehen-
ded all other Corporations
ſpirituall, as Prior and his
Couent, Friers and Canons,
Deane and Chapter.

Abbettors.

A Bbettors are in diuers ca-
ſes diuerſly taken. One
kind of Abbettors are
they that malicioſly without
juſt cauſe or deſert doe procure
others to ſue falſe appeales of
murther or felony againſt
men, to the intent to trouble &
griue them, & to bringth in to
infamy and ſlander. Abbet-
tors in murders are thoſe that
command, procure, counſell,
or comfort others to murder.
And in ſome caſe ſuch abbet-
tors ſhall be taken as princi-
pals, and in ſome caſe but
as acceſſories: So in other
felonies, And their preſence

at

at the deed doing, and thest absence maketh a difference in the case. There are Abbetts also in treason, but they are in case as principals, for in treason there are no accessories.

Looke more in the Booke called the Plees of the Crowne, made by the right mozt shipfull Iudge Sir W. Stamford, in the titles of Accessories, and Damgages in appeale,

Abeyance.

A Beiance is when a lease is made for terme of life, the remainder to the right heires of J. S. which J. S. is living at the time of the grant, now by this grant the remainder passeth from the grantor present y, yet it becometh not presently, nor taketh hold in the Grantee, that is to say, the right heire of J. S. but is said to be in Abeyance, or else as the Logicians terme it in posse, or in understanding, and as we say in the clouds, that is to wit, in the consideration of the Law, that if J. S. die having a right heire, and living the lessee for life, then this is a good remainder, and now becometh and cometh in to the right heire, in such sort, as that he may grant, forfeit, or otherwise dispose the same, and ceaseth to be any more in abeyance, for that there is one now

presence a le chose fait, & leur absence & la, fait un difference en le case. Il y ad abbetors auxi en Treason, mes ils sont en cas come principals, car en treason il ny ad aucun accessorie.

Veies plus de ceo en le liure appelle les ples del Corone, compile par le respectable Iudge Sir W. Stamford, en les titles de Accessories, & Damages en appeal.

Abeyance.

A Beiance est quant un lease est fait pur terme de vie, le remainder al droit heires de I. S. le quel I. S. est en vie al temps del grant, ore per cest grant le remainder passa hors del grantor maintenant, vncor il ne vesta maintenant, ne prist effect en le grantee, cest adire le droit heire de I. S. mes est dit estre en abeyance, ou come les Logiciens appelle ceo in potentia, ou in intellectu, & comme nous dicimus in nubibus; cest a sçavoir, en le consideration de le ley, Que si I. S. morust ayant un droit heire en vie, & vivant le lessee pur vie, donques ceo est un bone remainder, & a ore veste & vient en le dit droit heire, en tel sort que il poist grant, forfait, ou autrement dispose ceo, & cessa deste ore en abeyance, pur ceo que il est un a ore de abilitie pur

prendre esq̄ par coo- que l. S. est mort & ad relinquit. in droit heire en vie, le quel ne poit, estre vivant. l. S. car durāt sa vie nul poit p̄p̄ment estre dit son heire. Item s̄va home soit patron d'un esglise, & present auter acoo, Or est le sce- d's, terres ou tenements pertaignant al rectorie en le parson, mes si la parson mor- uet & de esglise est deuenus void, donque est le sce- en abeyance, tanque il soit vn nouel Parson present, admit & induit. car le Patron nad le sce, mes solement le droit de presenter, & le sce est en le incumbent, que est present, & puis son mort, il ne en a- cun, mes in abeyance, tanque il soit vn nouel incumbent come est auant dit.

Veies Litt. lib. 3. cap. 11. f. 145. & Perk. f. 12.

6 Abiherfing.

A Bitherfing (& in alcu copies Mitherfing) hoc est quicq̄ esse de amerciamen- tis coram quibuscunq̄ de transgression probata.

7 Abiuration.

A Biuration est vn sero- mens, que home ou feme pregnunt quaut ilz ount commis se felony, & fue al Eglise ou cimitery, ou auter lieu priuilege par tution

of ability to take it, because that J. S. is dead, & hath left a right heire in life, which could not be, living J. S. for that during his life none could properly bee layd his heire. Also if a man be patron of a Church, and presenteth one to the same, who is the fee of the lands and tenements per- taining to the rectory in the parson, but if the parson dye & the Church is become boyd, then is the fee in abeyance, vn- till there be a new parson pre- sented, admitted, and inducted, for the patron hath not the fee, but onely the right to present, and the fee is in the incumbent that is presented, and after his death, it is in no body but in abeyance, till there bee a new incumbent as is aforesaid.

See Litt. his 3. booke ca. 11. f. 145. And Perk. f. 12.

Abiherfing.

A Bitherfing (and in some copies Mitherfing) that is to be quit of amercements before whomsoever of trans- gression prooued.

Abiuration.

A Biuration is an oath that a man or woman shall take when they haue committed felony, and ap to the Church or churchyard, or to any other place priuileged for safegard of

off their lives, choosing rather
perpetuall banishment out of
the realme, than to stand to the
law, & to be tried of the felony,
in which case before the Coroner
he shall make such confession
in, which may make a sufficient
indictment of felony, then
the Coroner at the chymon laie
shall make hym to forswear
the Realme, & shall assigne hym
to what port he shall goe, and
shall sweare him that he goe
not out of the high way, & that
he should not abide at the port
(if he may haue good passage)
but one flood & one ebbe, and if
he cannot haue passage, then
he shall goe every day during
xl. dayes in the sea to the knees:
But if such a felon as abiureth
goe out of the high way, and
flyeth to another place, if he
be taken, he shall be brought
before the Judge, and there
shall haue iudgement to bee
hanged. But if hee which so
maketh the priuilege will not
abjure, then hee shall haue the
priuilege for xl. dayes, and
every man may giue hym
meat and drinke. But if any
giue hym sustentance after xl.
dayes, although it be his wife,
such giuing is felony. Also he
that doth abjure shall be deli-
uered from one Constable to
another, and from one fran-
chise to another, till that hee
come to his port, and if the
Constable will not receiue
him, he shall bee grievously a-

de leur vies esliant pluistost
perpetuall banishment hors
de Royalm, que a estoyer a
le ley, & desirer trier del felony.
En cel case deuant le
Coroner il ferra tiel con-
fession que puit faire suffici-
ent enditement de felony,
donques le Coroner al com-
mon ley luy ferra de abiure
la Realme, & assignera a luy
aquel Port il alora, & luy
iura que il ne va hors del
hault chymin, & que il
ne demorra a le port, (si
il poit auer bone passage)
forisque vn flood & vn ebbe,
& si il ne poyt auer passage,
que il alera chescun iour
duraunt xl. iours en le
more a son geau: Mes
si tiel felon que abiure ala
hors de la chymin, & fuz
a autre lieu, si il soit prise,
il ferra amesme deuant le
iudge, & la auera iudge-
ment desirer pendus. Mes
si que issint pria la priui-
lege ne voille abiure, don-
ques il auera la priuilege p
xl. iours, & chescun poit luy
doner viand: Mes si ascun
done luy viand apres xl.
iours, mesque il soit la feme,
cel doner est felony. Auxy
cestuy que abiure ferra deli-
uer per vn Constable al au-
ter, & de vn franchise al
auter tanque il vient a
son port, & si le Consta-
ble ne voit receiue luy, il
ferra grievouslyment amer.

cie. Vide Iuramentum in tractu de abiuratione Latronum.

Et cest ley fuit institute per S. Edward le Confessour, un Roy de cest Realme deuant le Conquest, & fuit ground de le ley de mercie, & pur le amour & reverence, sans doubte, que il & auters ses successors porteront al meason de dieu, ou lieu de pralers & administration de son parol & Sacraments, lequel nous appelloms Eglise. Nota celley est ore change per Statutes 21. H. 8. cap. 2. 12. H. 8. ca. 14. & 32. H. 8. cap. 12. p queux appiert, que il a cel iour ne abiurera le Realme, eins tout son libertie de cest Realme, et tout son liberal & frank habitations, resorts, & passage de tous lieux de cest Realme, a vn certaine lieu en cel Realme a ceo limit per 32. Hen. 8. cap. 13. & 33. Henr. 8. capif. 15. Vide plus in Stamford libr. 2. cap. 10. et vide ore Iestat. 1. Iac. cap. 25. et 21. Iac. cap. 28. pur repeale des tous statutes que concerne persons que abiure, et le toller des tous Sanctuaries.

merced. Looke the oath in the Treatise de Abiuratione Latronum.

And this Law was instituted by S. Edward the Confessor, a King of this Realme before the Conquest, and was grounded upon the law of mercy, and for the loue and reverence, no doubt, that he and other his successors did beare unto the house of God, or place of prayer and administration of his word and sacraments, which wee call the Church. Note, this law is now changed by the Statutes 21. H. 8. cap. 2. 22. H. 8. cap. 14. and 32. H. 8. cap. 12. by which it appeareth, that hee at this day shall not abiure the Realme, but all his liberty of this Realme, and all his liberrall and free habitations, resorts, and passages from all places of this Realme, to one certaine place in this Realme thereto limited by 32. H. 8. cap. 15. Looke moze in Stamford libr. 2. cap. 10. and looke now the Statutes 1. Iac. cap. 25. and 21. Iac. cap. 28. for the repeale of all Statutes concerning abiured persons, and the taking away of all Sanctuaries.

8 Abridgement de plaint ou demand.

Abridgement of a plaint or demand.

A Bridgment de plaint ou demand est lou vn port

A Bridgement of a plaint or demand, is where one bringeth

bringeth an Affise, writ of dower, writ of ward, or such like, in which cases for the writ of Affise is, de libero tenemento, as in a writ of dower, the writ is *Rationabilem dotem quæ cum contingit de libero tenemento* W. her husband. And in a writ of ward the writ is, *Custodæ terrarum & heredis, &c.* without shewing any certaintie in these writs: But in the plaint of the Affise, or demand in the writ of dower, and in the Count in the writ of ward, the Plaintiff or Demandant is to shew the certaintie of the acres, or parcels of land, then if the tenant pleadeth Nontenure, or tynntennancie, or some other such like plea to parcell of the land demanded in abatement of the writ, the Plaintiff or Demandant may abridge his plaint or demand to that parcell, that is to say, he may leave out that part, and pray that the tenant shall answer the rest, to which he hath not yet pleaded any thing. The cause is for that in such writs the certaintie is not set down, but is generally: and notwithstanding the Demandant hath abridged his plaint or demand in part, yet the writ remaineth good still for the rest,

vn Affise, brief de dower, briefe de gard, ou tiel semblables, en queux cases p' ceo que le briefe de Affise est, de libero tenemento, come en b're de dower, le briefe est *Rationabilem dotem quæ cum contingit de libero tenemento* W. son baron. Et en vn briefe de gard, le b're est, *Custodæ terrarum & heredis, &c.* sans monstre aucun aut certaintie en les briefes; mes en le plains del affise ou demaunde en le briefe de dower, & en le count en briefe de gard, le plaintife ou demandant monstra le certaintie des acres, ou parcells de terre, la si le tenant plede Nontenure, ou lointennaney, ou aucun aut tiel semblable pleea parcell del terre demand en abatement del b're, donques le plaintife ou demandant poit abridger son plains ou demaund al cest parcell, cest adire, il peisonit hors cest pt. & pris que le tenant respond' al rest, a que il ne ad vnc plede asc' chose. Le cause est p' ceo q' en tielx briefes le certaintie n' est mis, mes est generalment: & n'ice obstant le demandant ad abridge son plaint ou demand en part, vncore le briefe demurre bon pur le resid e.

Accedas ad Curiam.

Accedas ad Curiam.

Accedas ad Curiam, est vn briefe direct al vicont, luy commaundant de aler a tiel court. daseun Seignior ou franchise, lou vn plaint est sue pur prisel del auters come distresse, ou ascun faux iudgement est suppose destte fait en ascun suit que sult en tiel court, quel nest court de record, & que le Vicount la ferra record del dit suit en presence del iurors de mesme le court, & de quatuor auters Chivalers de le Countie, & ceo recorde certifiera al Count le Roy, & a cel iour quel est assigne en le briefe.

Accedas ad Curiam, is writ directed to the Sheriffe, commanding him to goe to such a Court of some Lord or franchise, where plaint is sued for taking of beasts as a distresse, or any false iudgement is supposed to be made in any suit which hath bene in such a Court which is not a Court of Record, and that the Sheriff shall there make record of the said suit in presence of the iurors of the same Court, and of foure other Knights of the Countie, and certifye it into the Kings Court, and at that day that is limited in the writ.

Accedas ad Vicecomitem.

Accedas ad Vicecomitem.

Accedas ad Vicecomitem est vn briefe direct al vicont luy commaundant de deliuer a tiel vicont vn briefe de register.

Accedas ad vicecomitem is a writ directed to the Countie commanding him to deliuer a writ to the Sheriff who hauing a Pone deliuered him, suppresseth it. Register. orig. 83.

Acceptance.

Aceptance is a taking of a good part, and as it wolde agreeing vnto some act done, which might haue bene done and auoyded (if such acceptance had not bin) by him or them that so accepted, as for example.

example, if a Bishop before the Statute made in the first year of Eliz. lease part of the possessions of his Bishoprick for terme of yeeres, reseruing rent a yeere, and after another is made Bishop, not a accepta-
 cth, that is to say, taketh or receiveth the rent when it is due and ought to be payed, notwithstanding the lease is made perfect and good, which else the new Bishop might be-
 cause he will have avoided and made frustrate.

The like law is, if a man and his wife seized of land in the right of the wife, joyne and make a lease or feoffment by deed, reseruing rent, and the husband dyeth, these accept-
 cth or receiveth the rent, by this the feoffment or lease is made perfect and good, and shall bar her to bring her writ
 called Cui in vita.

12, sicome p example, l'un Evesque devant statute fait un primo Eliz. leste le terre part del possessions d'un Evesque p ans reseruant rent & moust, & puis vnauf est fait Evesque, le quel accepta, cest adire, prist ou receuve le rent quant il est due & dois estre pay, ore p cest accepta-
 cence le lease est fait pfect & bon, le quel autrement le no-
 uel Evesque pour assiets bien avoir & faire frustrate.

Semblable ley est, si un home & sa femme seisi de ter-
 res en droit del femme joyne & font lease ou feoffement per fait reseruant rent, & le baron morust, el accepta ou receiva le rent, per ceste feof-
 fement ou lease est fait per-
 fect & bon, & sera barre a luy de porter sa brieve appell
 Cui in vita.

11 Accessories.

Accessories are in two sorts, by the common law and by the Statute law. Ac-
 cessory by the Common Law is also of two sorts, the one be-
 fore the offence, the other af-
 ter the offence is done. Ac-
 cessory before the fact, or af-
 ter, is he that commandeth
 or procurreth another to doe
 felony, and is not there present
 when the other doth
 the same, then he

Accessories.

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 sorts, per le Common ley
 & per le Statute ley : Ac-
 cessory per le Common
 ley est auxy en deux sorts,
 l'un avant le fait, le autre
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 devant le fait, est celui qui
 commanda ou procura au-
 tre de faire felony, & nest
 la present luy meisme quant
 l'autre le fait, mes sil soit
 present, donques il est auxy
 principall.

9 Accedas ad Curiam.

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Accedas ad Curiam, is writ directed to the Sheriffe, commanding him to goe to such a Court of some Lord or franchise, where plaint is sued for taking of beasts as a distresse, or any false iudgement is supposed to be made in any suit which hath bene in such a Court which is not a Court of Record, and that the Sheriffe shall there make record of the said suit in presence of the iudors of the same Court, and of foure other knights of the County, and certifie it into the Kings Court, and at that day that is limited in the writ.

10. Accedas ad Viccomitem.

Accedas ad Viccomitem.

Accedas ad Viccomitem, est vn briefe direct al Coroner luy commandant de deliuer vn briefe al vicont que aiaura done a luy deliuer, ces suppressa. Register orig. 83.

Accedas ad viccomitem is a writ directed to the Coroner commanding him to deliuer a writ to the Sheriffe who having a Pone deliuered him, suppresseth it. Register orig. 83.

11 Acceptance.

Acceptance.

Aceptance est vn promission en bon grece, & ce vn agreement al ascun chose fait deuant, le quel puit auer este vn fait & auoide (si tiel acceptance nad este) per luy ou ceux que issint accep-

Aceptance is a taking in good part, and as to here an agreeing into some act done before, which might have bin undone and auoyded (if such acceptance had not bin) by him or them that so accepted, as for example,

example, if a Bishop before the Statute made in the first year of Eliz. lease part of the possessions of his Bishoprick for terme of years, reserving rent & dieth, and after another is made Bishop, who accepteth, that is to say, taketh or receiveth the rent when it is due and ought to be payed, now by this acceptance the lease is made perfect and good, which else the new Bishop might have well have avoided and made frustrate.

The like law is, if a man and his wife seized of land in the right of the wife, joyne and make a lease or feoffment by deed, reserving rent, and the husband dyeth, then accepteth or receiveth the rent, by this the feoffment or lease is made perfect and good, and shall bar her to bring her writ called Cui in vita.

12, sicome p example, l'un Evesque devant statute fait un primo Eliz. leste le terre part del possessions d son Evesquary p ans reservant rent & mourust, & puis vnauf est fait Evesque, le quel accepta, cest adire, prist ou receiue le rent quant il est due & doit estre pay, ore p cest acceptance le lease est fait pfect & bon, le quel autrement le nouvel Evesque poit assiets bien avoid & faire frustrate.

Semblable ley est, si un home & sa femme seisi de terres en droit del femme ioyne & font lease ou feoffement par fait reservant rent, & le baron mourust, el accepta ou receiua l'rent, per cel le feoffement ou lease est fait pfect & bon, & terra barre a luy de porter sa briefe appell Cui in vita.

12

Accessories.

Accessories are in two sorts, by the common law and by the Statute law. Accessory by the Common Law is also of two sorts, the one before the offence, the other after the offence is done. Accessory before the fact, or assistance, is he that commandeth or procureth another to do felony, and is not there present himselfe when the other doth it, but if he be present, then he

Accessories.

Accessories sont en deux sorts, par le Common ley & par le Statute ley : Accessory par le Common ley est auxy en deux sorts, l'un avant le fait, le autre puis le fait fait. Accessory devant le fait, est celui qui commande ou procura au sor de faire felony, & n'est la present luy mesme quant l'autre le fait, mes si il soit present, donques il est auxy principall.

The Exposition of

principal. Accessorie puis le fait est reluy que receiua, fauour, aida, assist, ou comfort ascun home que ad fait ascun murder, ou felonie, dont il ad comusans, tiel accessorie serra punish, & auera iudgement de vie & de member, auxy bien come le principall que fist le felonie: Mes tiel accessorie ne serra iammes mis a respondre a ceo tanque le principal soit conuict ou attainit, ou soit velage & co. En manslaughter home ne poit estre accessorie deuant le fait, car manslaughter couient ensuer sur soudaine debate ou affray, car si soit premeditate, ceo est murder. *Co. li. 4. fol. 44. a.*

Mes vn feme en tiel case ne serra accessorie par le aider de son baron. En grand ou hault Treason cibien les commandors, come les assisters & receiuers apres, sont tous soits principals.

Si home conseil un feme a murder lenfant esteant en la venter, & apres lenfant est nee, & donque est murder per le feme en le absence de cestuy que assist done le conseil, vncore il est accessory per son counselling devant le nestre del enfant, & nient ceo countermandant. *Dyer fol. 186. pl. 2.*

Auxy vn poit estre accessorie al accessorie, si come vn

is also principall. Accessory after the offence, is hee the receiuer, fauourer, aideth, assisteth, or comforteth any man that hath done any murder, or felony, wheteof he hath knowledge, such an accessorie shall be punished, and shall haue iudgement of life member, as well as the principall which did the felony but such an accessorie shall neuer bee put to that till the principall bee attainit or conuict, or be outlawed thereupon. In manslaughter a man cannot bee accessorie before the fact, for manslaughter ought to ensue vpon a sudden debate or affray, for if it be premeditated, it is murder. *Co. li. 4. fol. 44. a.*

But a woman in such case shall not be accessory for helping her husband. In great or high treason as well the commanders as the assisters and receiuers after, bee alwaye principals.

If a man counselleth a woman to murder the child being in her body, and after the child is borne, and then is murdered by the woman in the absence of him that so gave the counsel; yet hee is accessory by his counselling before the birth of the infant, not countermanding it. *Dyer fol. 186. pl. 2.*

Also one may be accessory to an accessorie, as if one feloniously

hously receive another that is accessorie to felony, there the receiver is an accessorie.

Accessorie by the statute is such a one that abetteth, counsellith or receiveth any man which committeth or hath committed any offence made felony by statute: for although the statute doth not make mention of accessories, abettors, etc. yet they are included by the interpretation of the said statutes, Stamford. pl. cor. lib. i. c. 41. 46. 47. 48.

See more of accessorie in the said booke of Plees of the Crowne, the first booke cap. 44. 45. 46. 47. 48. 49. & 50.

13. *after action*
Action.

Action is the forme of a suit given by the law to recover a thing, as an action of Debt, and such like, or as it is Co. 8. f. 151. a. An action is a right of prosecuting in judgement of a thing which is due unto any one.

See the Lexicon of the law for action.

14 Actions personals.

Actions personals be such actions whereby a man claimeth debt, or other goods and chattels, or damage for them, or damages for wrong done to his person, and it is proper to that which in the civil law

feloniosum receive vnus accessorie est accessorie al felony, la le receiuer est vn accessory.

Accessorie per le statute est tiel que abet, counsel, ou receiue, aucun home que commet ou ad commait aucun offence fait felonie per statute: Car coment que le statute ne fait mentio daccessories, abettors, &c. vnore ils sont include per le interpretation des dits statutes. Stamford. pl. Cor. lib. i. cap. 45. 46. 47. 48.

Vicis plus del accessorie in le dir Lieur de les Plees al Corone, le prin lieu, ca. 44. 45. 46. 47. 48. 49. & 50.

Action

Action est le forme de un suit done p le ley de recouer chose, cōc action de Det, & tielx semblable, ou come est Co. 8. f. 151. a. Actio est ius prosequend in iudic' quod alicui debetur.

Vide Lexicon Iuris pur action.

Actions personnels.

Actions personnels sont tiels actions per queux homs claime dette ou auter biens & chateux, ou damage p eux, ou damage p tort fait a son pson, et est pperment cēq en le civil ley est appel actio.

in personam, que aduersus
eum intenditur, qui ex contra-
ctu vel delicto obligatus est
aliquid dare ou concedere.

is called actio in personam, which
is brought against him who is
bound by covenant or default
to give or grant any thing.

15 Actions reals.

Actions reals.

ACTIONS reals sont tiels ac-
tions per queux le deman-
dant claime eitle al ascun fies
ou reneiments, rent ou com-
mons, in fee simple, fee taile,
ou p terme de vie. Chescun
action real est ou possessory,
cesta scavoir de son possessi-
on ou seisin demaine, ou an-
cestrel sc. del seisin ou
possession de son ancestor, Co.
lib. 6. fol. 3.

ACTIONS reals bee such ac-
tions whereby the deman-
dant claime th title to an-
lands or tenements, rents,
commons, in fee simple, fee
taile, or for terme of life. E-
very action real is either po-
sessory, that is to say, of his
owne possession or seisin, or an-
cestral s. of the seisin or po-
session of his ancestor. Co. li.
6. fol. 3.

16 Action populer.

Action popular.

ACTION populer est vn
action que est done sur
le breach ascun penall sta-
tute, le quel action chescun
home que voit poyt suer
par luy mesme & le Roy,
per information ou auter-
ment, come le statute allow
& le case require. Et de ceux
actions il y ad infinite num-
ber, mes vn pur exemple est :
Quant ascun del lury que
sont impannel & iurus de
passer perentur party &
party indifferement, prist
ascun chose de lun part ou
lautre, ou de ambideux par-
ties pur lour verdict dire al
ceo part, donques ascun home
que voit deins lan prochain

ACTION popular is an action
which is given upon the
breach of some penall Sta-
tute, the which action every
man that will, may sue for
himselfe and the King, by in-
formation or otherwise, as
the statute alloweth, and the
case requireth. And of these
actions there be an infinite
number, but one for example
as when any of the Jury that
are impanelled and sworn to
pass between party and party
indifferently, doe take any
thing of the one side or other
or of both parties to say their
verdicts on that side, then any
man that will within the year
following the offence made
may

may sue a writ called Decies tantum, against him or them that so did take to give his writ, and because that this action is not given to one specially, but generally to any of the people as will sue, it is called an action popular, but in this case when one hath begun to pursue an action, no other may sue it, and in this as it seemeth, this doth vary from an action popular by the Civil Law.

ensuant le offence fait, peut suer un briefe appel Decies tantum enuers luy, ou ceux que il luy prist p' l'ou verité dire, & par ceo q' cest action n'est done al un home spécialement, mes généralement al aucun de les peuples del roy q' voit suer, il appel un action populaire, mes en cel cas, quant un avoit comence de poursuivre cel acc' nul aut poit o' suer, & en c' cōe s'ec cel vary del action populaire p' le Civil ley.

17 Action mixt.

Action mixt.

An Action mixt is a suit given by the Law to recover the thing demanded, & also damages for the wrong done, as in Ass. of No. diff. the which writ (if the disseisor make a feoff. to another) the disseisee shall have against the disseisor and the offer or other ter-tenant, and thereby shall recover his seisin of the land & his damages for the meane profits, and for the wrong done unto him. And so is an action of waste and Quar' imp. But an action of Detinue is not called an action mixt, although by it the thing with-held is demanded, and shall be recovered if it may be found, and damages for the withholding, and if it cannot be found, then damages for the thing and the detaining. But that is called only an action personal, because that

An Action mixt est un suit done par la ley de recouet le chose demand, & auxy damages p' le tort fait, come en Assise & Nouel disseisin, quel briefe (si le disseisor fait feoffment al aut) le disseisee aia vers le disseisor & le feoffee ou auter ter-tenant, & en ceo recouera son seisin del terre & ses damages par le meane profits, & par le tort a luy fait. Et ilint est un action de Waste & Quare impedit. Mes un action de Detenue n'est appel action mixt, comment par ceo de chose detenus est demand, & serra recouet si poit estre troue, & damages par le detain, & si ne poit estre troue, donque damages par la chose & la detainer.

Mes ceo est appel solus action personal, que serra

9 Accedas ad Curiam.

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10. Accedas ad Vicecomitem.

Accedas ad Vicecomitem est vn brieve direct al Coroner luy commandant deliuer vn brieve al vicont que aia vn Pone a luy deliuer, ceo suppresser. Register orig. 83.

11 Acceptance.

Aceptance est vn promys d'ane en bon grece, & ce vn agreement al ascun chose fait deuant, le quel puit auer este vn fait & avoide (si tiel acceptance nad este) per luy ou ceux que issint accep-

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Semblable ley est, si vn home & sa femme seisi de terres en droit del femme ioyne & font lease ou feoffement per fait reservant rent, & le baron morust, el accepta ou receiua le rent, per cest feoffement ou lease est fait perfect & bon, & sera barre a luy de porter sa brieve appell^e Cui in vita.

12

Accessories.

Accessories are in two sorts, by the common law and by the Statute law. Accessory by the Common Law is also of two sorts, the one before the offence, the other after the offence is done. Accessory before the fact, or assistance, is he that commandeth or procureth another to doe felony, and is not there present himselfe when the other doth it, but is before present, then he

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whimsy receive another that feloniously receive vnauer
s accessorie to felony, there q est accessorie al felony, la
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Accessorie by the statute is Accessorie per le statute
ich a one that abetteth, coun- est tiel que abet, conseil, ou
ileth or receiveth any man receiue aucun home que com-
which committeth or hath com- mit ou ad committ aucun of-
mitted any offence made felo- fense fait felonie per statute:
n by statute: for although Car coment que le statute
he statute doth not make men- ne fait mentio daccessories,
tion of accessories, abettors, abettors, &c. vncore ils sont
&c. yet they are included by include per le interpretation
the interpretation of the said des dits statutes. Stamford. ple.
statutes. Stamford. pl. cor. lib. i. c. Cor. lib. i. cap. 45. 46. 47.
45. 46. 47. 48. 48.

See more of accessorie in Vcies plus del accessorie
the said booke of Plees of the in le dit Lieur de les Plees al
Crown, the first booke cap. Corone, le prim lieur, ca. 44.
44. 45. 46. 47. 48. 49. & 50. 45. 46. 47. 48. 49. & 50.

13. *See after action*
Action.

Action

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suit given by the law to un suit done p le ley de
recover a thing, as an actio of recouer chose, cōc action de
Debt, and such like, or as it Det, & tielx semblable, ou
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a right of prosecuting in est ius prosequend in iudic'
iudgement of a thing which is quod alicui debetur.

See the Lexicon of the Vide Lexicon iuris pur
law for action. action.

14 Actions personals.

Actions personnels.

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actions whereby a man clai- elsactions per queux hom
meth debt, or other goods and clame dette ou auter biens
chattels, or damage for them, & chateux, ou damage p eux,
or damages for wrong done ou damage p tort fait a son
to his person, and it is proper- pson, et est pperment cē q
ly that which in the civil law enle civil ley est appel actio-
in

in personam; que aduersus eum intenditur, qui ex contractu vel delicto obligatus est aliquid dare ou concedere.

is called actio in personam, which is brought against him who is bound by covenant or debt to give or grant any thing.

15 Actions reals.

Actions reals.

ACtions reals sont tiels actions per queux le demandant clame titre al ascun fies ou reuenements, rent ou commons, in fee simple, fee taile, ou p terme de vie. Chescun action real est ou possessory, c'est a scavoir de son possession ou seisin demaine, ou ancient se. del seisin ou possession de son ancestor, Co. lib. 6. fol. 3.

ACtions reals bee such actions whereby the demandant claime title to an lands or tenements, rents, & commons, in fee simple, fee taile, or for terme of life. Every action real is either possessory, that is to say, of his owne possession or seisin, or ancient se. of the seisin or possession of his ancestor. Co. lib. 6. fol. 3.

16 Action populer.

Action popular.

ACtion populer est vn action que est done sur le breach ascun penall statute, le quel action chescun home que voit poyt suer par luy meisme & le Roy, per information ou autrement, come le statute allow & le case require. Et de ceux actions il y ad infinite number, mes vn pur exemple est : Quant ascun del lury que sont impannel & iurus de passer per entre party & party indifferement, prist ascun chose de lun part ou l'auter, ou de ambideux parties pur lour verdict dire al ceo part, donques ascun home que voit deins lan prochain

ACtion popular is an action which is given upon the breach of some penall Statute, the which action every man that will, may sue for himselfe and the King, by information or otherwise, as the statute alloweth, and the case requireth. And of these actions there be an infinite number, but one for example: as when any of the Jury that are impanelled and sworn to passe between party and party indifferently, doe take any thing of the one side or other, or of both parties to say their verdicts on that side, then any man that wil within the yeare following the offence made may

may sue a writ called Decies curum, against him or them that so did take to give his writ, and because that this action is not given to one specially, but generally to any of the people as will sue, it is called an action popular, but in this case when one hath begun to pursue an action, no other may sue it, and in this as it seemeth, this doth vary from an action popular by the Civil Law.

ensuivant le offence fait, peut suer un brieffe appel. Decies tantum enuers luy, ou ceux que ilz ont prist p leur verdit dire, & par ceo q cest action nest done al un home specialment, mes generalment al aucun de les people del roy q voit suer, il appel un action populaire, mes en cel cas, quant un avoit ebancee de poursuivre cel ac^{te} nul aut poit e suer, & en e c^{te} s^{ce} eel vary del action populaire p le Civil ley.

17 Action mixt.

An action mixt is a suit given by the Law to recover the thing demanded, & also damages for the wrong done, as in Ass. of No. diff. the which writ (if the disseisor make a feoff. to another) the disseisee shall have against the disseisor and the feoffee or other tenant, and thereby shall recover his seisin of the land & his damages for the meane profits, and for the wrong done unto him. And so is an action of waste and Quar. imp. But an action of Detinue is not called an action mixt, although by it the thing with-held is demanded, and shall bee recovered if it may be found, and damages for the withholding, and if it cannot be found, then damages for the thing and the detaining.

But that is called only an action personall, because that

Action mixt.

An action mixt est un suit done per la ley de recouet le chose demand, & auxy damages p le tort fait, come en Assise & Nouel disseisin, quel brieffe (si le disseisor fait feoffment al aut) le disseisee aia vers le disseisor & le feoffee ou autre ter-tenant, & en ceo recouera son seisin del terre & ses damages pur le meane profits, & par le tort a luy fait. Et ilint est un action de Waste & Quare impedit. Mes un action de Detenue nest appel action mixte, comment per ceo de chose detenus est demand, & serra recouet si poit estre troue, & damages pur le detain, & si ne poit estre troue, donque damages pur la chose & la detainer.

Mes ceo est appel soleme action personall, que serra

The Exposition of

port solément pur biens ou chartels, ou charters.

it should be brought onely for goods & chattels, or charters.

18 Action del briefe.

Action of a Writ.

Action del briefe est vn phrase del parlance, vse quant un plede ascun matter, per q il monstf que le pl nad cause dauer le bfe q il port, & vncor poit este que il poit auer auter briefe ou action s mesm le matter, tiel plee est appel plee al action del briefe, lou si per la plee appiert que le plainē naueroit ascun cause de auer ascun action pur le chose demand, donques ceo serra dit plee al action.

Action of a Writ, is a phrase of a speech used when one pleader shewe matter, by which hee sheweth the plaintife had no cause to haue the writ which he brought, and yet it may be that he may haue another writ or action for the same matter: such a plee is called a plee to the action of the writ, whereas if by the plee it should appeare that the plaintife hath no cause to haue an action, for the thing demanded, then it shall be called a plee to the action.

19 Action sur le case.

Action vpon the case.

Action sur le case est brief port enuers un pur ascun offence fait sans force, cōc p nient performāce del promise fait per le defendāt al plaintife ou pur parlance des pols pur queux le plaintife est defame, ou pur auter misdemeanour ou deceit, lou tout le case serra contenu en le briefe.

Action vpon the case, is a writ brought against one for an offence done without force, as for not performing promise made by the def. to the plaintife, or for speaking of words, by which the plaintife is defamed, or for other misdemeanour or deceit, where the whole case shall be contained in the writ.

Action sur le Statute.

Action vpon the statutes.

Action sur le Statute, est briefe fountue sur ascun estatute, lou per ascun

Action vpon the statutes, is a writ founded vpon any statute, whereby an action

is giuen to one in any case where no action was before : As where one committeth perjury to the prejudice of another, he which is indamaged shall haue a writt vpon the statute and his cause : And the difference betweene an action vpon the stat. & action populer is, that where the statute giueth the suit or action to the party griued, or otherwile to one person certaine, that is called action vpon the statute. But where by the statute authority is giuen to every one that will so sue, that is termed action populer.

Accompt.

An Accompt is a writt, and it lieth where a Bailiffe or a receuer to any Lord or other man, which ought to render accompt, will not giue his account, then he to whom the account ought to be giuen, shall haue this writt. And by the Statute of Westminst. 2. Chap. 10. if the Accomptant be found in arrages, the Auditors which bee assigned to him, haue power to award him to prison, there to abide till hee haue made agreement to the party. But if the Auditors will not allow reasonable expence and costs, or if they charge him with more receipts than they ought, then his next friend that will sue for him,

statute action est done a vn en aucun cas ou nul tiel action fuit deuant : Come ou vn commit perjury al prejudice dun autre, celui que est damnie aua brieve sur le statute & son cas. Et le difference enter action sur le statute & action populer est, que ou le statute done le suit ou action al party griue, ou autrement, a vn person certaine, ceo est appel action sur le statute : Mes ou per le statute authorite est done a chescun que voile de suer, ceo est appel acc' populer.

Accompt.

Un Accompt est un brieve, & gist ou Bayliffe ou receiuer d'aucun seigneur ou d'autre homme, que doit rendre acc'pt, ne voit rendre son acc'pt, donques celui a que l'accompt doit estre rendre, aua cest brieve. Et per le statute de Westminister 2. capitulo 10, si l'accomptant soit trouue en arrages, les Auditors que sont a luy assignes, ont power de aawarder luy a prison, la a detourner ranqueil ad fait gree al pry. Mes si les Auditors ne voient allower reasonable expence & costage, ou s'ils chargeront luy ouc plusors receipts quant ne duissent, donques son prochain amy qui voit

C

voit fuer pur luy, fuera vn briefe de Ex parte talis hors del Chancerie, direct al Vicont de prendre 4. Mainpernors de rendr son corps deuant les Barons del Exchequer a certain iour, & d'garder le Seignior d'appearer la a mesme le iour,

Accord.

ACCORD est vn agreement perenter deux al meins pur satisfe vn offence que le yn ad fait al autre, quant vn home ad fait vn trespasse, ou tiel semblable al autre, pur le quel il ad agreee oue luy de satisfaire & content luy oue recompence, quel si soit execute & performe, donques pur ceo que cest recompence est vn pleine satisfaction pur le offence, sera vn bon barf en le ley, si l'autre apres l'accord performe, voit fuer arere un action pur mesme le trespasse.

Nota que le primer est perment appelle vn Accord, le aus est vn contract.

22 Acquitall.

ACQUITALL est quant l'a est Seignior, mesne, & tenst, & le tenant tient de le mesme certaine terres ou tenements in frankalmoign, frankmarriage, ou tielx semblables, & le mesme tient ouster auxy d

shall sue a writ of Ex parte talis out of the Chancery directed to the Sheriffe to take foure mainpernors to bring his body before the Baron of the Exchequer at a certain day, and to haue the Lord to appeare there at a certain day.

Accord.

ACCORD is an agreement between two at the least, to satisfy an offence that the one hath made to the other, when a man hath done a trespass, or such like unto another, for which he hath agreed with him to satisfy and content him with some recompence, which if it be executed and performed, then because that this recompence is a full satisfaction for the offence, it shall be a good barre in the law, if the other after the accord performed should sue againe any action for the same trespass.

Note, that the first is properly called an accord, the other a contract.

Acquitall.

ACQUITALL is where there is a Lord, mesne and tenant, & the tenant holdeth of the mesne certaine lands or tenements in frankalmoigne, frankmarriage, or such like, & the mesne holdeth over also of the Lord

para=

patenēt, or about him. Now
ought the mesne to acquite or
discharge the tenant of all and
every maner of service, that
my other lord hath or de-
mand of him, concerning the
same lands or tenements, for
that the tenant must do his ser-
vice to the mesne only, & not to
divers Lords for one tenement
or parcell of land. The same
law is where there is one
Lord mesne, & tenant as afore-
said, and the mesne granteth
to the tenant (upon the tenure
made betwene them) to ac-
quite and discharge him of all
rents, services, and such like:
This discharge is called ac-
quitall.

Like law is if the tenant
holdeth of his mesne by the
services, as the mesne holdeth
out of the Lord, and the tenant
doth or payeth his services
to the mesne, but the mesne
doth not his services to the
chief Lord, wherefore he di-
straineth the beasts of the te-
nant: In this case the mesne
for the equitableness of the ser-
vices ought to acquite the te-
nant of the service due unto
the Lord. Also there is ac-
quitall in law, and acquitall
in fact: acquitall in law is
when two are appealed or in-
dorsed felony, the one as prin-
cipall, the other as accessorie,
the principall being discharged,
the accessorie by consequence is
also acquitted, & in this case is

Seignior paramount, ou desuis
luy. Ore doit le mesne ac-
quit ou discharge le tenant
de tout & chescun maner de
service que aucun autre voit
aueir ou demand de luy con-
cernant mesmes les terres ou
tenements, par ceo que le te-
nant doit faire le service a le
mesne tant seulement, & nemy
al divers Seignours p un te-
nement ou parcell del terre.
Mesme le ley est ou il est
Seign mesne, & cōc avant-
dit, & le mesne granta al tñt
(sur le tenure fait p eulx)
p acquit & discharge luy de
tours rēts services & tiels se-
blables: cē discharge ē ap-
pel acquitall.

Mesme le ley est, si tenant
tient de son mesne per au-
tiels services, come le mesne
tient ouster del Seignior,
& le tenant fait ou paye
services al mesne, mes le
mesne ne feroit ses ser-
vices al Seignior para-
mount, p que il distraigne
les beasts del tenant: en
cel case le mesne p le ouel-
tie del services doit acquit le
tenant del services due al sñr.
Auxy la est acquitall en ley,
& acquitall en fait: acquitall
en ley est, ou deux sñr ap-
peal ou endict de felonie, lū
cōm principall, laut cōc ac-
cessorie, le principal est ac-
quitte, l'accessorie p conse-
quent est auxy acquit: Et
en cest case sicome l'accessio-

rie est acquite p le ley, issint
est le principal en fait. Staf.
pl. cor. fol. 268.

the accessory is acquitted
the law, so is the principall
fact. Stamf. pl. cor. f. 168.

Acre.

Acre.

ACre est vn certaine par-
cel de terre que containe
en longueur 40 perches, &
en latitude quater perches,
ou a cest quantite soit le lo-
geure plus ou meines. Et si
vn hom voile erect vn nouel
cottage, il deuoir a mitter
quater acres de terre a ceo,
selonque cest mesure 31. E-
liz. cap. 7. Et oue cest mea-
sure agree Monsieur Cromptō
en son Iurisdiction de Courts,
fo. 222. Vncore il dit que se-
lonque les diuers customs
de seūal pais, le perch differt,
esteāt en ascū lieux (& plus
vsualmēt) forsque dixze pees
& demj: Mes en le coun-
tie de Stafford le perch est
vint quat pees come suit cy
deuāt adiudge ē le excheqr.
En le estat fait anū 24. H. 8.
c. 4. p embleest de flax 160.
perches sōt vn acre: lordin ce
ladmesurement de fre fait
an 24 E. 1. stat. 1. agree oue
cest account.

ACre is a certaine parcell
land that containeth
length forty perches, and
breadth foure perches, or
this quantity be the lengt
moze or lesse. And if a ma
will erect a new cottage, h
ought to lay foure acres
land vnto it, according to th
measure 31. Eliz. cap. 7. And
with this measure agree
Master Crompton, in his Ju-
risdiction of Courts, fol. 222.
Per he saith that accordin
to diuers customs of seuerall
Countreies, the perch diffe-
reth, being in some places (as
most vsually) but sixteene foot
and a halfe: But in the coun-
tie of Stafford the perch is 20
foot, as was heretofore adju-
ged in the exchequer, in the
statute made anū 24. H. 8. 14
for the sowing of flax, 160.
perches make an acre. The
ordinance of measuring of land
made an. 34. E. 1. Stat. 1. agreeth
with this account.

33 Acquittance.

Acquittance.

ACquittance, est vn dis-
charge en escript dun
summe de money, ou auter
dutie, quel doit estre pay ou
fait: sicome vn soit obliege

ACquittance, is a discharge
in writing of a summe of
money, or other duty which
ought to be payed or done: As
if one be bound to pay money
vpon

upon Obligation, or rent reserved upon a lease, or such like, and the party to whom the money or duty should be paid or done, upon the receipt thereof, or upon other agreement betwixt them had, made by a writing or bill of his hand in discharge thereof, witnessing that he is paid, or otherwise contented, & therefore doth acquit and discharge him of the same, which acquittance is such a discharge and bar in the law, that he cannot demand and recover the sum or duty againe, contrary therunto, if he shew the acquittance.

This word differeth from those which in the Civill Law be called Acceptatio, or Apocha, because Acceptatio may be by word without writing, & is nothing but a signed paymēt & discharge, though no paymēt be had. And Apocha is a writing witnessing the paymēt or delivery of money, which dischargeeth not unless the money be paid.

de payer money sur vn obligation, ou rent reserve sur vn lease, ou tel semblable, & le partie a que le money ou dutie doit estre pay, ou fait sur le receipt de ceo, ou sur autre agreement petenter eux ewe, fait escript ou bill de son mayne en discharge de ceo; testmoynant que il est pay, ou autrement content, & par ceo acquite & discharge luy de ceo, le quel acquittance est tel discharge & barre en la Ley, que il ne poit demand & recoü m le sum ou duty aus-foits, cōtr' a ceo, sil poit monstre le acquittance.

Cest parol differt ab hoc quod in iure civili acceptatio dicitur, quia illud fieri potest verbo sine scripto, & nihil aliud est quam facta solutio & liberatio, licet solutio non sit: nec Apocha dici potest, quia cautio est solutæ datæ vè pecuniæ, quæ non liberat nisi pecunia soluta sit.

Acts of Parliament are positive Lawes which consist of two parts, that is to say, of the words of the Act, & of the sense thereof, & they both ioyned together make the Law.

Acts de Parliament sont leyes positive que consist de deux parts, c'est adire, de les parolx del act, & del sens de ceo, & ils ambideux ioynent ensemble font la ley.

Additions, est ceo que est
done al home ouster son
proper nosme & surname; cē
adire, p monstrier, de quel
estate, degree, ou mystery il
est, & de que ville, hamlet
ou county.

Additions de estate sont
ceux, yeoman, gentlemā, Es-
quire, & tiels semblables.

Additions de degree sont
ceux que nous appellomous
nosmes de dignity, cōe Chi-
ualer, Count, Marq̄s, & Dux.

Additions de mystery sōt
ceux, scriuer, painē, mason,
carpēt, taylor, smith, & iūint
tous auts de seblable natur' :
car mystery ē le craft ou oc-
cupation p que home gaine
son liuing.

Additions de villes, come
Sale, Dale, & tiels auters, &
iūint de les auters.

Es lou vn home ad hous-
hold en deux lieux, il serra
dit demurrer en ambideux,
iūint que son addie' en vn de
eux suffist.

Fuit ordeine per lestatute
Anno 1. Henrici 5. cap.
5. que en suites ou actions,
ou proces du lagary gis, tiels
additions ierra al nosme
del def. a declarer son
estate, mystrie, et lieu
ou il enhabite, & que
tiels briefes abateront, sils
ne ouat tiels additions,

Additions is that which
giuen vnto a man ouer and
besid: his proper name and
surname, that is to say, to shew
of what estate, degree, or my-
serie he is, and of what towne
hamlet, or county.

Additions of estate are
these, yeoman, gentleman, es-
quire, and such like.

Additions of degrees are
these that bee call names of
dignity, as knight, Earl,
Marques, and Duke.

Additions of mystery are
these, scriuener, painter, ma-
son, carpenter, taylor, smith, &
so all other of like nature: so
mystery is the craft or occu-
pation wherby a man getteth
his liuing.

Additions of Towne, as
Sale, Dale, and such others
and so of the rest.

And where a man hath
household in two places, he
shall be said to dwell in both
of them, so that his addition
in one of them doth suffice.

By the Statute in the first
yeare of H. the 5. and chapter
the 5. it was ordained that in
suits or in actions where pro-
cess of vnlagary lyeth, such
additions should bee to the
name of the def. to shew his es-
tate, mystery, & place where
he dwelleth, & that such writs
shall abate, if they haue no
suc

such additions, if the defendant take exception thereto, he they shall not abate by the office of the Court.

Also Duke, Marquesse, Earle, or Knight, be none of those additions, but names of dignitie, which should haue bene giuen before the Statute.

And this was ordained by the said Statute made in the first yeare of King H. the 5. cap. 5. to the intent, that one man might not be grieved nor troubled by the vicarie of another: But that by reason of the certain addition, every man might be certainly knowne, and beate his owne burthen.

si le defendant prist exception a ceo, mes ils ne abateront per office del Court.

Auxy Duke, Marquesse, Counte, ou Chivalier ne sont pas ne ceux additions, mes nosmes de dignite, queux daissent aver estre donc deuant le Statute.

Et ceo suit ordeigne per le dit statute fait en le prim an de Roy H. le 5. cap. 5. al intent que vn hœc ne serreit greeue ne trouble per le vilagarie de vn autre: Mes que p reason de le certaine addition, chescun home poit estre certainement conus, & porter sa burden demesue.

28 Adiournement.

ADiournement, is when any Court is dissolved and determined, and assigned to be kept againe at another place or time, and we thinke it is compounded of two words (ad) or (al) and iour.

29 Admeasurment of Dower.

Admeasurment of Dower is a writ, & it lyeth where a woman is endowd by an infant, or by gardein of more than she ought to haue, the heire in such case that haue this writ, by the which the woman shall be admeasured,

Adiournement.

ADiournement est quant aucun Court est dissoluë & determin, & assign destre garde arrere al autre lieu ou temps, et moy semble est composé de deux parols (ad) ou (al) iour.

Admeasurment de Dower.

Admeasurment de dower est vn brieve, & gist lou vn feme est endow per vn infant, ou per vn gardein de plus que devoit auer, le heire en tiel case aura cest brieve, per quelle fema sera admeasur, & le heire

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restore a le surplusage. Mes si vn abate, cest adire, vn que nad droit enter apres le mort le baron, & endow la feme de cestuy que est mort, de plus que doit auer, le heire nauera cest brieve, mes Assise de Mordancester vers la feme, & si el plede que el fuit endowe de ceo terre come del franktenement sa baron, le heire monstre comment el fuit endow per le abator, & que el ad plus que deuoit auer, & priera que il soit restor al surplusage, & si soit troue, il serra restoré.

and the heire restored to th ouerplus. But if one abate that is to say, one which hat no right enterth after the deat of the husband, and indow th wife of him that is dead, more then shee ought to haue the heire shall not haue th writ, but Assise of Mordancester against the woman, and if she plead that she was endowed of the land as of th freehold of her husband, th heire shall shew how she was indowed by the abator, & that she had more than she ought to haue, & shall pray that he may be restored to the surplusage and if it be found, hee shall be restored.

29 Admeasurement de pasture.

ADmeasurement de pasture est vn brieve, & gift lou plusors tenants ont cōmon appendant en auter terre, & vn surcharge le cōmon oue plusors auers: Donques lauters commoners poient auer cest brieve vers luy, & auxy poit estre port per vn common solement: mes donques couient estre port vers tous lauters commoners, & vers cestuy que surcharge, pur ceo que tous les commoners seront admeasures.

Et ceo bñe ne gift vers luy, ne p luy que ad common appurtenant, ou common in

Admeasurement of pasture.

ADmeasurement of pasture is a writ, & it lyeth wher many tenants haue common appendant in another ground, and one ouerchargeth the cōmon with many beasts: Then the other commoners may haue this writ against him, and also it may be brought by one commoner onely: but then it behooueth to be brought against all the other cōmoners, and against him that surcharged, for that all the commoners shall be admeasured.

And this writ lyeth not against him, nor for him that hath common appurtenant, or common

common in grosse, but them which have common appendant, or common because of vicinage.

See the diversity of all these commons afterwards in the title of Common.

Also this writ lyeth not for the Lord, nor against the Lord, but the Lord may distraine the beasts of the tenant that be surplussage. But if the Lord overcharge the Common, the Commoner hath no remedy by the Common Law, but an Assise of his Common,

grosse, mes ceux que ont common appendant ou common per cause de vicinage.

Vide le diversity de tous ceux commons apres en le title de Common.

Auxy cest brise ne gist par le Seignior, ne vers le Seignior, mes le Seignior poit distraine les auers le tenance que sont surplussage Mes si le Seignior surcharge le common, les commoners nont remedie per le common ley, mes vn Assise de se common.

Administrator.

Administrator, is he to whom the Ordinarie committeth the administratiō of goods of a dead man for default of an executor, & an actiō shall be against him, & for him, as for an Executor, & he shall be charged to the value of the goods of the dead man and no further, if it be not by his owne false plea, or for that that he hath wasted the goods of the dead. But if the Administrator die, his Executors be not Administrators, but it behooveth the Ordinarie to commit a new administration. But if a stranger that is not Administrator nor Executor, take the goods of the dead, and administer of his owne wrong, he shall be charged and sued as an Executor,

Administrator.

Administrator, est celui a que le Ordinarie commit le administration des biens le mort pur default de executor, & par luy come p executor, & serra charge lesques al value des biens le mort. & nient ouster, si ne soit per son faux plea, ou pur ceo que il ad wast les biens le mort. Mes si le administrator deuie, ses executors ne sont administrators, mes covient al Ordinarie de committre nouvel administration. Mes si vn estrange que nest administrator ne executor, prist les biens le mort, & administer de son tort demesne, il serra charge & sue come executor,

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~~A~~ ny enemy come administrator
en aucun action que est port
vers luy par aucun creditor.
Mes si le Ordinarie fait vn
briefe ad Colligendum bona
defuncti, celuy que ad tiel
lettre nest administrator, mes
l'action gist vers le Ordinarie
auxy bien come sil prist le bi-
ens en son main demesne, ou
per le maine de aucun de ses
servans per aucun autre com-
mandement.

and not as Administrator in
any action that is brought a-
gainst him by any creditor.
But if the Ordinarie make
a letter ad Colligendum boni de
functi, he that hath such a let-
ter is not Administrator, but
the action lyeth against the
Ordinarie as well as if he
take the goods in his own
hand, or by the hand of any
of his servants by any other
commandement.

31

Admirall.

Admirall.

Admirall est vn Officer
soubz le Roy, que ad au-
thority sur le mere tantum, p
veyer la Nauy repaire &
maintaine, p suppresser &
chaser de hors estumures de
mere, & de faire droit & co-
tracts perent party & party
concernant chose fait sur &
soubz le mere, et p cest pur-
pose il ad son court appelle le
admiralty. Il poit causer
son citation desire serue sur
le ter, & pnder le corps
del pris ou biens en execut
sur terre.

Item il ad cognisance del
mort ou maihem de vn hom
fait en aucun grand niefse
fleurant en grand ryuers
en le Realme, de bafe les ptes
de eux prechein all mere.

Auxy par arrest metes en
les grand streames pur les
voyages del Roy & Realme,

Admirall is an Officer un-
der the King, that hath
authority vpon the sea onely,
to see the flauy prepared and
maintained, to suppresser and
chase away robbers and ro-
uers, and to iudge of contracts
betweens party and party co-
cerning things done vpon and
beyond the seas, and for that
he hath his Court called the
Admiralty. He may cause
his citation to be serued vpon
the land, and take the parties
body or goods in execution
vpon the land.

And also he hath cognisance
of the death or maihem of a
man, committed in any great
ship, fleeing in great ryuers in
the Realme, beneath the hyd-
ges of the same next the sea.

Also to arrest ships in the
great streames, for the voya-
ges of the R. and Realme, &
hath

Ad iurisdiction en les dies
streames, durans mesmes
voyages.

hath iurisdiction in the said
streames during the same
voyages.

31 Ad quod dampnum.

Ad quod dampnum.

AD quod dampnum est
vn briefe que doit estre
sue deuant le Roy grant cer-
taine liberties : Come Faire,
Market, ou tielx semblables,
queux poient estre preiudici-
all auters. Et per ceo sera
inquire si serroit preiudice a
grantier eux, & a que sera
preiudiciall, & que preiudice
enr auendra.

AD quod dampnum is a
writ which ought to be
sued before the K. grant cer-
tain liberties : as a faire,
Market, or such like, which
may be preiudiciall to others.
And thereby it shall be inquir-
ed if it should bee a preiudice
to grant them, and to whom
it shall be preiudiciall, & what
preiudice shall come thereby.

Aduent.

Aduent.

ADuent est vn temps q̄ cō-
tain enuiron vn moys p-
chein deuant le feast del
nestre de nre Sauior Christ.
En q̄ il sēblable, q̄ nre ances-
tors ont repose aic' reuerēce
pur le p̄pinq̄uity de cēt so-
lemne feast; issint q̄ tous
suits en ley fuer donques re-
mit pur vn seāson. Pur quoy
la suit vn statute ordēine,
West. 1. cap. 48. que nient
obstant le dit solemnity, pu-
i estre loyall, en respect de
iustice & Charite a prender
assises de Nouel disseisin, &
Darrein presentment en le
temps d'aduent, septuagesimi-
ma, & quadragesima. Cest
vn des temps de le cōmence-
ment de q̄l usque a les octaves
de Lepiphany, solemnising

ADuent is a time which cō-
taineth about a Moneth
next before the feast of the na-
tivity of our Sauior Christ.
In which it seemeth that our
ancestors haue reposed some
reuerence for the neerenesse of
that solenne feast, so that all
suits in law were then re-
mitted for a seāson: wherefore
there was a statute ordained,
West. 1. cap. 48. that, notwith-
standing the said solemnity,
it might be lawfull in respect
of Justice & Charity, to take
assises of Nouel disseisin, and
Darrein presentment in the
times of Aduent, Septuagesimi-
ma, and Lent. This is one of
the times from the beginning
of which vntill the Octaves of
Epiphany, the solemnising
of

The Exposition of

of marriages are prohibited
to be solemnized without spe-
ciall licence according to the
verses :

de espousels sont paibit de
stre. solempne. sauns espe-
cial licence accordanz a le
verses :

Coniugium Aduentus prohibet,

Milarique relaxat ;

Septuagena vetat, sed Pasche

octaua reducit ;

Rogatio vetitat, concedit

Trina potestas.

Aduent all Marriage forbids,

Milaries feast to Nuptials tends ;

And Septuagent no Wedding rids ;

Yet Easters octaves that amends.

Rogation hinders hastie Loues,

But Trinity thar Let remoues.

33

Aduowson.

Aduowson.

ADuowson is where a man
and his heires haue right
to present their clerk to the
Ordinary to a parsonage, or
their spirituall benefice when
it becommeth voyd. And hee
which hath such right to pre-
sent is called Patron.

ADuowson est lou vn hō
& ses heires ont droit de
présenter leur Clerke al
Ordinary al vn parsonage,
ou au esperituall bnifice qm
il deuent void. Et celuy q ad
tiel dñt de présenter est appell
patron.

Affecrors.

Affecrors.

Affecrors are such as be ap-
pointed in Court leets, &c.
to mulct such as haue comit-
ted any fault which is arbi-
trarily punishable, & for which
no expresse penalty is pre-
scribed by statute. You may
see the forme of thir oath in
Kitchin fol. 46. If the Ju-
rors in the Leet receiue the ar-

Affecrors sont tiels que
sont designe en Court
leets &c. a mulcter tiels que
ont commit ascun peche que
est arbitralement punishable,
& pur quel nul expresse
penaltie est prescrire p stat.
Poies veier le forme de leur
serment en Kitch. fol. 46. Si les
Iurors en vn leet receuēt les
articles,

amides, & effeant command
responder al eux & present
& ils refuse iſſint a faire, d'o-
queils ſeront amercie, vn-
core lamerçiamment de cheſcū
laur ſerra affecte ſolouque
a ſon offence. Iſſint en aſſiſe
de Novel diſſeiſin, tous les
diſſeiſors, ſeront amercie, &
cheſcun ſerra affecte p luy.
Mes ſi vn ville ſoit amercie,
la ſaſſerance ſerra generall,
car la neſt aſcun certaine
ſon noſm come en les caſes
pavantdir. Et ſi vn lury en
vn leet taxe vn amercia-
ment, ceo ſuffiſt ſans aſcun
aſſerement, car lamerçiamēt
eſt la del Court, & laſſere-
mēt la del Iuric. Co. lib. 8. f.
39. 40. b.

ticles, and being commanded
to answer to them and present
and they refuse so to doe, then
they shall be amerced, yet the
amerçiamment of every Juror
shall be affected according to
his offence. So in aſſiſe of no-
vel diſſeiſin, all the diſſeiſors
shalbe amerced, and every one
shall be affected by himſelfe.
But if a towne be amerced,
there the aſſerance ſhalbe ge-
nerall, for there is not any cer-
taine perſon named as in the
caſes afozeſaid. And if a Jury
in a Leet tax an amerçement,
this ſufficieth without any af-
ſerement, for the amerçiment
is the act of the Court, and
the aſſerement the act of the
Jury. Co. lib. 8. fol. 39. 40. b.

Affiance.

Affiance.

Affiance eſt le plighting del
foy enter home & feme
ſur vn agreement dū mari-
age deſtre ſolemnize eñt eux;
& affidare, de q̄l ceſt parol e
deriue, eſt tant adire cōc fi-
dem ad aliū dare. Et ceſt pa-
rol Affiance eſt uſe per
Monsieur Littleton en ſon
chapter de Dower, ſect.
39.

Affiance is the plighting
of troth betwixt a man and
a woman upon an agreement
of a Marriage to be had be-
twene them; and Affidare,
from whence this word is de-
riued, is as much as fidem ad
alium dare. And this word
Affiance is vſed by M. Little-
ton, in his chapter of Dower,
ſect, 39.

Affray.

Affray.

Affray veniſt del parol
francois (effraier) q̄ ſignify

Affray comes of the French
word (effraier) which
ſignifies

The Exposition of

signifies to affright or start, and so an affray may be with-
out word or blow given, and
so this word is used in the
Statute of 1202. 2 E. 3. cap.
3. But it is in our bookes mak-
ny times confounded with the
word assault, as it appears
by M. Lambert in his Eire-
narchie Lib. 1. cap. 17. But
yet as it is there said, they dif-
fer in this, that an assault is
not but a wrong to the party,
but an Affray is a wrong to
the common wealch: & there-
fore an Affray is inquirable &
punishable in a Leet. Also an
assault is made most what
but on one side: But an affray
is the fighting of many toge-
ther.

terrere sine horrore, &
issint vn affray poit estre san
paroll ou buffe done, et issint
& parol est vie en lestat d
North. 2. E. 3. cap 3. Mes en
nre liures & parol est plu
soits confound oue le parol
Assault, cbe appiert per Mon
seur Lambert en son Eire-
narchie, lib. 1. cap. 17. Me
vncore cbe est la dit, ils diffe
ront en ceo, q vn Assault nef
forque vn tort al party, me
vn affray est vn tort al bien
publique: et pur ceo vn affray
est inquirable & punishable
en vn Leet. Auxy vn
Assault est fait plus tost for-
que sur l'un part: Mes vn af-
fray est le combatre de plu-
sors ensemble.

34

Age prier.

Age prier.

A Ge prier, is whē an actiō is
brought against an infant,
of lāds which he hath by di-
scent, there hee shall shew the
matter to the Court, and shall
pray that the action may stay
till his full age of 21. yeares,
and so by award of the court
the suit shall surcease.

But in a writ of Dower
and in Affise, and also in such
actions where the infant is
supposed to come to the land
demanded by his owne wrong
he shall not haue his age.

And note well that there
be many diuersities of ages,
for the Lord shall haue ayd

A Ge prier, est quant action
est port vers enfant de tre
que il ad p discent, la il
mfa le matter al court, &
prayera que le acc' demur
tāque a son pleine age de
xxi. ans, & issint p agarde
de Court le suit surcessera.

Mes en brieve de dower &
en Affise, & auxy en tiels a-
ctions ou le infant est sup-
pose a vner al terre en de-
mand de son tort demesne il
nauera sa age.

Auxy nota que sont plu-
sors diuersities de ages, car
le Seignieur auera ayde

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of his Tenant in Socage for
to marry his daughter, when
the daughter of the Lord is of
of the age of vii. yeares. And
also And for to make his son
and heire a Knight, when he
is of the age of vii. yeares.

Also a woman which is
married at the age of ix.
yeares, if her husband dye
first shall haue Dower, and
not before nine yeares.

Also 14. yeares is the age
of a woman that she shall not
be in ward, if she were of such
age at the time of the death of
her Ancestoꝝ, but if she were
within the age of 14. yeares
and in ward of the Lord, then
she shall bee in ward till the
age of 16. yeares, and also 21.
yeares is the age of the heire
male to be in ward, and after
that out of ward.

Also it is the age of male &
female to sue and to be sued of
lands which they haue or
claime by descent, and to make
all manner of contracts & bar-
gaine, not before : but if such
an infant within the age of 21.
yeares give his goods, and the
Donee take them, the infant
may haue an action of tres-
passe, but otherwise it is if hee
deliuer them himselfe. Vide
Coke, lib. 3. fol. 13 a. lib. 6. fol. 3.

Agist.

A Gift seemes to come of the
French (giser iacere) or

de son tenant en Socage pur
marrier sa fille, quant la fille
le Seignior est del age de septe
ans. Et auxy aide pur faire
son firs & heire chivalier,
quant il est del age de sept
ans.

Auxy feme que est es-
pouse al age de ix. ans, si
la baron morust scisi auera
Dower, & nemy deuant ix.
ans.

Auxy 14. ans est le age
de feme que ne serf en
gard, si el fuit de tiel age
al temps del mort son An-
cestor, mes si el fuit deins
age de 14. ans & en gard
son Seignior, donques el
sera en gard tanque al age
de 16. ans. Et auxy 21. ans
est le age d' heire male de-
sire en gard, & apres esc
hors de gard.

Et auxy il é le age de male
& female de suer & desre
sue des terres, que ils ont ou
elaime per descent & de faire
tous maners & contracts &
bargaine, & nient deuant :
mes si tiel enfant deins age
de 21. ans donec ses biens, &
le donec eux prist, le enfant
poit auer vn action de tres-
passe, mes autrement il est
il desre. eux. Vide Coke,
lib. 3. fo. 13. a. lib. 6. fo. 3.

Agist.

A Gift semble de venir del
françois giser (i. iacere)

The Exposition of

of Gister, (i. Stabulari.) a word proper to Deere, and therefore Bud. lib. poster. Philologia saies that Giste idem est quod Lustrū vel cubile. And Agist in our common law signifies to take in and feed the cattell of a stranger in the Kings forests, and therefore those officers in the forest that thus take in cattell, and gather the money for the feed of them are called Agistors, and the feed or herbage of the cattle is called Agistment, which in a large signification extends to all manner of common or herbage of any kinde or ground, or land, or woods, or the money that is due or receiued for the same as well out of forests as within them. See in Manwoods forest lawes, cap. 11. fo. 86.

ou del gister (i. Stabulari) vn parol proper as dames & p ceo Budæus lib. poster. philologia dit q Gist idē est quod Lustrum vel Cubile, & Agisten nre cōmō ley signif de prender eins & de pastur les auers dū estranger deir les forests le Roy, & p ce les officers en le forest q e tuel mañer prent eins auer & collect les deniers p le pasturage d'eux sont appel Agistors, & le pasturage & Herbage des auers est appell Agistment, q en vn large signification extend a tous manñers del cōmon d herbage d'ascū kind de terre ou Bois, ou les deniers qui sont due & receiue pur ce eibien hors des forests cō deins eux. Vide en Manwoods Forest ley es cap. 11. fo. 86.

25

Agreement.

Agreement, is after this sort defined or expounded in Master Plowdens Commentaries: Aggrementum is a word compounded of two words, namely, of Aggregatio & Mentiū, that is to say, Agreement of mindes, so that agreement is a consent of mindes in some thinge done, or to be done, and by drawing together of the two words, Aggregatio and Mentiū, and by the hasty and short pronouncing of them they be made

Agreement.

Agreement, est en cēmaner définie ou expounde en Master Plowdens Commentaries: Aggrementum est un parol compoūde de deux parolx, cestascavoir, d Aggregatio & Mentiū, ce adire agreement de ment iūst que Aggrementum est Aggregatio mentiū in aliqua facta vel faciēda, & per le contraction de le deux parolx, Aggregatio & Mentiū, & per le corrupt & briēfe parlance de eux, il son

Or word, to wit, Aggreementum, which is no other thing than a buying, putting, coupling & uniting together of two or more minds in any thing done or to be done: (see after in Testament.) And this agreement is in three manners.

The first is an agreement executed already at the beginning.

The second is an agreement after an act done by another, and is an agreement executed also.

The third is an agreement executory; or to be done in time yet to come.

The first, which is an agreement executed already at the beginning, is such, whereof mention is made in the Statute of 25. Ed. 3. cap. 3. of clothes in the fourth Statute, which saith, that the goods and things bought by foreigners, being thereof attained, shall be forfeit to the King; if the buyer thereof have made grievance with the seller. In which case the word (grev) which is otherwise called agreement executed, that is payment for the things.

The second manner of agreement is where one doth a thing or act, and another agrees or assents thereto afterwards; as if one doe a disseisin to my heir, and afterward I agree to it, notwithstanding I shall be a disseisor from the beginning, and such agreement is an agreement after an act done.

The third agreement is when both parties at one time are agreed that such a thing shall be done in time to come, and this

is called in law, cest assent, Aggreementum, le quel nest autre chose que un union, collecta copulation, & conjunction de deux ou plusieurs mens in ascu chose fait ou desiré fait. (Veies apres en Testament.) Et ce agreement est en 3. maners.

Le premier est un agreement executé en fait al commencement.

Le 2. est un agreement pur un act fait per autre, & est un agreement executé auxy.

Le tierce est un agreement executoire, ou desiré fait en temps venant a venir.

Le prims, q est un agreement executé en fait al commencement, est tel de que mention est fait en le Statute de 25. Ed. 3. ca 3. de pannis en le quare Statute, que dit, que les biens & choses achates per forestallars, q de ceo serrent atteintes, soient forfeites al Roy, si le achator est vs fait greual venter. En ql case, cest pol (Grev) q est autrement appellé agreement, sera entendeur agreement executé, viz. paiement p les choses.

Le second maner de agreement est loy un fait un chose ou act, & un autre agree ou assent a ceo apres, come si un fait disseisin a mon vif, & apres ico agree a ceo, ore ico sera disseisour ab initio, & tel agreement est un agreement pur un act fait.

Le tierce agreement est que ambideux parties a un temps sont accords que tel chose sera fait en temps a venir, &

The Exposition of

ceco agreement est executorie, tant que le chose sera fait apres, & vncore la lour mens accord a vn temps. Mes tant que le performance sera a ps, & issint le chose sur q' l'agreement fuit fait, remaine a faire, ceo agreement sera dit executorie. Et ceo le stat. 26. H. 8. c. 3. proue, ou il dit, q' chescun Vicar, Parson, & curiels, &c. deuant leur actual possession ou medling due les profits d' leur Benefice satisfera, contenta, &c. ou agreera a payer al use le Roy les primer Fruits, &c. Et si aucun d'cel Parson, Vicar, &c. ent en actual possession, &c. ceo agreement est desce entend executory, come le common usage pue: car est vse, que si oue vn ou deux oue luy, fait deux vel trois Obligations, p' ceo desce pay en certaine iours apres, & cest agreement executorie est diuide en deux poynts: Vn est agreement executorie que est certain al commencement, come est dit darrein deuant del prim fruits.

L'autre est, lon le certainie ne appiert al primes, & les parties sont accords que le chose sera performe, ou pay sur le certainie conus, come si vn vend al autre tout son wheat en tel tasse en son Barne nient thresh, & il est agree parent eux, que li payera p' chescun bushell 12. d. quant il est thresh cleane, & mesure.

agreement is executory, in as much as the thing shall be done after, & yet there their minds agreed at one time. But because the performance shall be afterwards, and the thing upon which the agreement was made, remains to be done, that agreement shall be said executory. And that the Stat. of 26. H. 8. cap. 3. doth proueth where it saith that every Vicar, Parson, or such like, &c. before their actual possession or medling with the profits of their Benefices shall satisfy, content, &c. or agree to pay to the R. the first fruits, & and if any such parson or vicar, &c. enter in actual possession, &c. this Agreement is to be understood executory, as the common use proueth, for it is used that he with one or two with him, do make two or three Obligations for it to be paid at certaine dayes after, and this Agreement executory is diuided into two pointes. One is an agreement executory which is certain at the beginning, as is said: last before the first fruits.

The other is, when the certainty doth not appears at the first, and the parties are agree that the thing shall be performe or payed upon the certainie knowen, as if one sell to another all his wheat in such a tassel his barne by measure; and it is agreed between them, that he shall pay for every bushell 12. d. when it is threshed cleane and measured.

Agent & Patient.

A Gent & Patient is when a Man is the doer of a thing, and the party to whom it is done, as where a woman endoweth her selfe of the fairest Possession of her husband. So if a man hath ten pounds issuing out of certaine land, and hee disseiseth the Tenant of the land in an Assise brought by the Disseisee, the Disseisor shall recoupe the Rent in the damages, so that where the meane profits of the land in such case were to the value of thirteene pounds, the disseisee shall recouer but three pounds. Also if a man be indebted to another, and afterward he maketh the party to whom he is so indebted, his Executor, and byeth, the Executor may retaine so much of the Goods of the Dead in his hands, as his owne debt amounteth unto, and by this retainer he is the Agent and the Patient, that is to say, the party to whom the debt is due, and the party that payeth the same. But a man shall not be iudge in his owne Case, as is resolved, Co. lib. 8. fol. 118. in Doctor Bonhams Case, That the Clergy cannot be Judges, Ministers, and parties, Judges to give sentence or iudgement, Ministers to make Summons, and Parties to haue the halfe of the forfeiture. And although that an Act of Parliament yeeldeth to any one, to hold or to haue consufance of all manner of Pleas, arising before

Agent & Patient.

A Gent & Patient est quant vn home est le Feasor dun chose, & le partie a que il est fait, come ou Feme endow luy mesme de la plus beale part del Possession de sa baron. Issint si home ad dixe liuers issuant hors de cerraine terre, & il disseise le Tenant del terre en assise port per le disseisee, le Disseisor recoupera le Rent en le damages, issint que ou le mesme profits del terre en tiel case fuerent al value de dixe trois liuers, le disseisee recoupera forsque trois liuers. Auxy si home soyt endette a vn autre, & puis il fait le partie a que il est issint endette, son Executour, & morust, le executor poyt retenir tant des biens del mort en ses maines, cōc son dette demesme amouter, & per ceo decerner il est le Agent & le Patient, cest a scauoir le partie a que le dette est due, & le party que ceo paya. Mes home ne seira iudge en son cause demesme, come est resoluē, Coke lib. 8. fol. 118. en Doctor Bonhams Case, Que les censors ne poyent estre Judges, Ministers & parties, Judges a doner sentence ou iudgement, Ministers a faire summons, & parties a auer le moity del forfeiture. Et cōent que Act de Parliament done a aucun a tener ou de auer conufans de tous manners des pleas deuant luy

The Exposition of

furdāt deinson manoz de D.
vncore il tēpera nul plea a que
il m̄ est party, *Quia iniquum
est aliquem sui rei esse iudicem.*

him within his manoz of D. ye
he shall hold no plea to which h
himselfe is party, *Quia iniquum
est aliquem sui rei esse iudicem.*

Aide.

Aide, est quant tenant a
terme à vie, tenant en do-
wer, tenant per le curtesie, ou
reñt en taile après possibilité
diffue extinct est empledé,
donques pur ceo q̄ ils nont que
estate p̄ terme à vie, ils prie-
ront ayde de cestuy en le re-
uerſion, & processe serra fait
per briefe vers luy de vener &
pleder oue le tenaunt, en de-
fence del terre sil voile, mes
il couient, que ils accord en
plea; car sils varie, le plea
l'eñt serf prise, & donques
leyd pryer est en vaine: mes
sil ne vient al second briefe, le
tenant respondra sole.

Auxy tenant pur terme de
ans, tenant a volunt, tenant
per Elegit, & tenant per Sta-
ture Marchant aueront ayde
de cestuy en le reuerſion, &
le seruant & bayly de leur
master, quant ils ont fait ascun
choſe loyalfre, en le droit leur
master aueront ayde.

Auxy cest parol est ascun
foits apply al subsidies, come
en 14. E. 3. Stat. 2. cap. 1. auer
foits a vn preſtation due de
les tenants a leur Seignors,
come p̄ reliefe due al Seign.
paramont, ou p̄ le ſellance de
ſon ſirs chival, ou p̄ le pou-
ſing de la ſile, *Glan. lib. 9. c. 8.*

Ayde.

Ayde, is when a tenant fo
terme of life, tenant in dower
tenant by curtesie, or tenant i
taile after possibility of iſſue ex-
tinct, is impleaded, then for tha
they haue no estate but for term
of life, they shall pray in ayde o
him in the reuerſion, and pro-
ceſſe shall be made by writ a
gainſt him to come and plea
with the tenant in the defence o
the land if he will: but it behoo-
ueth that they agree in the plea
for if they vary, the plea of th
tenant shall be taken, and the
the ayd prayer is boyd: but if h
come not at the second writ, the
the tenant shall answer sole.

Also tenant for terme of years
tenant at will, tenant by Ele-
git, and tenant by Statute Mar-
chant, shall haue ayd of him i
the reuerſion, and the ſeruant an
bailly of their Maſter, when the
haue done any thing lawfully i
the right of their maſter, ſha
haue ayd.

Also this word is ſometime
applyed to subsidies, as in 1.
E. 3. Stat. 2. cap. 1. other times i
a preſtation due from the tenan-
ts to their Lords, as for reliefe du
to the Lord paramont, or for th
making of his ſonne a knight
or for marryng of his daughter
Glan. lib. 9. c. 8.

This ayd, the King or other
Lrd, by the ancient law of Eng-
land, may lay vpon their tenants,
to make his sonne knight at
the age of ffifteen yeares, and to
marry his daughter at the age
of sixteen yeares, Regist. orig. fol.
17. a. and that at what rate they
please. But the Statute of West. 1.
made Anno 3. Ed. 1. ordained a
restraint for any great or large
demand made by common per-
sons being Lords, in this case,
and hath tyed them to a certaine
rate, and the Statute of 25. Edw.
3. Stat. 5. cap. 11. prouiderh that
the rate which is appointed by
the former Statute shall be held
with the King as well as in other
Lords.

Cest ayde, le Roy, ou au-
ter Seignieur, per l'ancien
ley Dengleterre puit giser sur
leur tenants p faire son fies
chival al age de 15. ans, & e-
spouser sa fille al age de sept
ans, Regist. orig. fo. 87. a. &
a quel rate ils pleiront. Mes
le Statute de West. 1. fait Anno
3. E. 1. ordeine yn restraint
pur aucun grand ou large de-
mand fait per common per-
sons, esteant Seigniors, en ce
case, & ad lie eux a vn cer-
taine rate. Et le statut de 25.
E. 3. Stat. 5. cap. 11. prouide q
le rate que est mise p le pris
statute serra tenu en le roy
cy bien come en auters Seig-
niours.

Ayd of the King.

Aid of the King, is in like case as
it is said befoze of a common
person, and also in many other
cases where the King may haue
losse, although that the tenant be
Tenant in Fee simple, he shall
haue ayd, as if a rent be demanded
against the Kings tenant which
holderh in chiefe, he shall haue
ayd, and so he shall not of a com-
mon person.

And where a City or Borough
hath a fee farme of the King, and
any thing be demanded against
them which belongeth to the fee
farme, they shall haue ayd for
the losse of the King.

Also a man shall haue ayd of
the King in the stead of Voucher.
Also the Kings Bailiffe, the col-

Aide de Roy.

Aide de Roy, est ensēble case
eōc est dit deuāt de cōmon
person, & auxy en plusors
autres cases lou le Roy puit
auer perde, comt que le tenāt
soit tenant en fee simple, il a-
uera aide, come si vn rent soyt
demand vers Tenant le Roy
que tient en Chiefe, il auera
ayde, & illint nauera de au-
ter person.

Auxy lou vn Citie ou Bo-
rough ad vn Fee farme del
Roy, & aucun chose est demād
vers eux, que apperteigne al
Fee farm, ils afont ayde pur
le perde le Roy.

Auxy home auera ayde de
Roy en lieu de voucher. Auxy
le Bayliffe, Collector & Pur-

The Exposition of

ueyoy del Roy aueront ayde
del Roy, auxibien come les
Officers de auters persons.

letoz, and the purueioz shall haue
ayd of the King, as well as the
Officers of other persons.

Aile.

Aile est vn Briefe que gist
lou Terre discehde de lay-
ela son Nephew, (videlicet)
fitz, ou file del Fitz del Ayl,
le pier esteaunt mort deuant
entrie per luy, & vn abate, le
heire auera vers le Abater cel
Briefe.

Aile.

Aile is a writ which lyeth
where land discehds from the
grandfather to his Nephews, &c.
the sonne, or daughter of the sonne
of the grandfather, the father be-
ing dead before the entrie by him,
and one abateth, the heire shall
haue against the abatoz this writ.

Aler sans iour.

Aler sans iour est (verba-
tim) sine die, cessasca-
uoir d'ee dismisse hors del
court pur ceo q̄ nest aucun au-
leur del appearance assigne.

Aler sans iour.

Aler sans iour, is (word for
word) to goe without day, that
is, to be dismiss the court because
therz is no day of further appea-
rance assigned,

Ale-taster.

ALe-taster est vn officer ap-
point & iure deins ches-
cū Leet de veier q̄ le due assise
soit obserue de tout le Pane,
Ale, & Ceruoise vendus deins
le Iurisdiction del Leet.

Ale-taster.

ALe-taster is an officer appoi-
nted and sworn in every leet
to looke that the due assise be kept
of all the Bzad, Ale, and Beere
sold within the Jurisdiction of
the Leet.

Alien.

ALien est vn subiect q̄ est nec
hors del ligeance de nostre
Roy & desouth le ligeance del
auter: Et il ne poit auer aucun
real ou personal action concer-
nant terre, mies en chescū tiel
action le tenāt ou defēdāt pur
it plead que il fuit nec en tiel
pais, q̄ nest deins le ligeance

Alien.

ALien is a subiect which is born
out of the ligeance of our R.
and vnder the legiance of another;
And he cannot haue any real or
personall action concerning land,
but in every such action the te-
nant or defendant may plead that
hee was borne in such a place,
which is not within the Kings
legiance,

legence, and demand indy-
ment if he shall be answered.

Every alien friend may by
the common law have and get
within this Realme, by gift,
sale, or other lawfull wayes,
any treasure or personall goods
whatsoever, as well as any
English man, and may main-
taine any action for the same.
But land within this Realme
or houses (if not for their
dwelling onely) alien friends
cannot have nor get, nor main-
taine any action real or perso-
nal for any land or house, but
that the house bee for their ne-
cessary dwelling. An alien
enemie cannot maintaine any
action, nor get any thing with-
in this Realme. And the Rea-
sons why aliens bozne are not ca-
pable of inheritance within Eng-
land, are :

first, the secrets of the realme
may by this bee discovered.

Secondly, the revenues of
the Realme shall bee taken and
removed by strangers bozne.

Thirdly, this will tend to the
destruction of the realme, first
in the time of warre, for then
strangers may fortifie them-
selves in the heart of the realme,
and set in combustion the common
wealth. Secondly, in the time
of peace, for by such meanes ma-
ny aliens bozne, may get a great
part of the inheritance and free-
hold of the Realme, by which
there would ensue a want of Ju-
stice, the supporter of the com-
mon wealth, for this that aliens

del Roy, & demsd iudgements
fil terra respondu.

Chescun alien amis puis
per le common ley aver & ac-
quiere deins cest Realme per
done, chiuifans, ou auter loyal
voyes, ascun treasure ou bi-
ens personall quecunque, ci-
bié come ascun home Englois,
& puit mainteins ascun action
pur ycel. Mes terres deins cest
Realme ou measons, si non sol-
ent pur leur habitatió, alié ames
ne poient aver ne acquerir, ne
mainteins ascun action real ou
personnal pur ascú terre ou mea-
son, sinon q le meason soit pur
leur necessary habitation. Vn
alié enemie ne poit maintei-
ner asc' act' ou acquir' asc' chose
deins cest Realme. Et les Rea-
sons pur que aliens nee ne
sont capable de inheritance
deins Angleter, sont :

Primermt, les secrets del
roialm poient p ces estr' con-

Secundment, les revenues
del roialme seront prise & en-
ioy per estrangers nee.

Tiercement, ceo voile téd al
destruict del roialme, Primer-
mēt en le temps de guerre, car
désques estrangers poient forti-
fie euxmesmes en le cuer del
roialme, & cōbustler le cōmon
weale. Secōdesmt en le tēps de
peace, car per tiel meanes plu-
sors aliens nee poient acquerir
vn grād parte del inheritance
& franktenēmt del roialme,
per que la voile ensue vn fai-
ler de Iustice, le supporter del
cōmon wealth, pur ceo q ali-

ueyor del Roy aueront ayde
del Roy, auxibien come les
Officers de auters persons.

lectoꝝ, and the purueioꝝ shall haue
ayd of the King, as well as the
Officers of other persons.

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lou Terre discehdẽ de lay-
el a son Nephew, (videlicet)
fitz, ou file del Fitz del Ayeł,
le pier esteaunt mort deuant
entrie per luy, & vn abate, le
heire auera vers le Abater cel
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where land discends from the
grandfather to his Nephews, sc.
the sonne, or daughter of the sonne
of the grandfather, the father be-
ing dead before the entrie by him,
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Aler sans iour est (verba-
tim) ire sine die, cest a sca-
voir, dẽe dismisse hors del
court pur ceo q̃ nest ascun auẽ
iour del appearance assigne.

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word) to goe without day, that
is, to be dismiss the court because
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rance assigned.

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cũ Leet de veier q̃ le due assise
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nted and sworn in euery
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hors del
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lerra respondu.

Chefcun alien amie puis
er le common ley auer & ac-
irer deins cest Realme per
ne, chiuifans, ou auter loyal
yes, afeun treasure ou bi-
s personall quecunque, ci-
come afeun home Englois,
uit mainreine afeun action
y cel. Mes terres deins cest
lme ou meafons, si non fol-
ur lour habitati6, alié ames
oient auer ne acquirir, ne
traine afeun action real ou
nal pur afeun terre ou mea-
finon q le meafon soit pur
neceffary habitation. Va
nemie ne poit maintei-
le act ou acquir' afe chose
cest Realme. Et les Rea-
pur que aliens nee ne
capable de inheritance
Angleter, sont :

mermt, les secrets del
poient p ceo estr' con-
ndment, les reuenues
alme seront prise & en-
estrangers nee.

ement, ceo voile red al
del roialme, Primer-
le temps de guerre, car
estrangers poient forti-
nefmes en le cuer del
& cobufter le c6mon
ec6d6mt en le t6ps de
ar per tiel meanes plu-
nee poient acquirir
te del inheritance
mt del roialme,
oile ensue vn fai-
ice, le supporter del
ealth, pur ceo q

Mortmaine shall be forfeited by the statute of 15. R. 2. c. 5

ra forfeit per lestatute de 15. R. 2. cap. 5.

Allay.

Allay.

Allay is the temper or mixture of gold and silver with baser metall, for the increasing the weight of it so much as may continue the Kings charge in the coining. And this word is bled in the statute of the 9. yeare of H. 5. cap. 11. for the payment of English gold by the Kings weight,

Allay est le temper ou mixture d'or & argent avec plus baser metall p l'aigmentur del pois de ceo entant q poit countervaille le charge del Roy en le coynage : & c parol est vsc en lestatute 9. H. 5. cap. 11. pur le payement del or Anglois per le Pois le Roy,

Aluagcor.

Aluagcor.

Aluagcor is an officer of the Kings, who by himselfe or by his Deputie, seeth to the Assise of all cloth that is made of wooll throughout the land, and to put a seale for that purpose ordained unto them, 35. E. 3. Statute 4. cap. 1. Anno 3. R. 2. cap. 2. and hee is to be accountable to the King for every cloth that is so sealed in a fee or custome unto it appertaining.

Aluagcor est vn officer del Roy, q per luy mesme ou per son depusy viel al Assise de tout le pane que est fait de lane per tout le terre, & a mixer signers pur siel purpose ordeignes al ex, 35. E. 3. Stat. 4. cap. 1. Anno 3. R. 2. cap. 2. & il est destre accountable al Roy pur chescun pane que est issint seale en vn fee ou custome a ceo apperteignant.

Almner.

Almner.

Almner is an officer of the Kings house, whose office it is to distribute the Kings almes every day and to that purpose hee hath the collecting of all forfeitures of Deodands and of the goods of felons de se, which the King allowes him to dispose in almes unto the poore. And of his office, see Fleta lib. 2. cap. 32.

Almner est vn officer del Hostel le Roy, & son office est p dispence les almes le Roy chescun iour, & a ceo ppose il ad le collection des toutesforfeitures des Deodands & des biens des felons de se que le Roy luy allow p disposer en almes as povers. Et de son office vide Fletam, lib. 2. cap. 32.

Ambidexter.

Ambidexter.

Ambidexter, est celuy que quant vn matt' est en suit percer' homes, prist argent de l'un part & del autre, ou par labour le suit, ou tiels semblables, ou sil soit del iurie pur dire son verdict.

Amendment.

A Mendment, est quant error est en le proces, les iustices poiēt ceo amēder apres iudgemēt. Mes si error soit en iudgement done, ils ne poiēt amender ceo, mes le party est mis al brief de Error. Et en plusors casēs lou le default appiert en le clerke q'escris le Record, il serra amend: Mes tels choses que vient par information del party, come le ville, mystere, & humilmodi, ne serra amend, car il doit informer veray a son peril.

Amercement.

Amercement, pluis properment est vn penaltie assēse par les peeres ou pares del partie amerce, par vn offence fait, come par default de suit de Court, ou par non amend de ascun chose que il soit appoint de redresser de- uant, ou prier semblable cause, en quel case le pry que offend soy mist en le mercie del Roy ou Seignieur, & sur ceo cel penaltie est appel Amerciament.

Ambidexter.

Ambidexter, is hee that when a matter is in suit betweene men, taketh money of the one side and of the other, either to labour the suit, or such like, or if hee be of the Jury, to say his verdict.

Amendment.

A Mendment, is when Error is in the Processe, the Justices may amend it after iudgement. But if there be error in giving of iudgement, they may not amend it, but the party is put to his writ of Error. And in many cases, where the default appeareth in the clerke that writeth the Record, it shall be amended: But such things as come by information of the party, as the towne mystery, and such like, shall not be amended, for he must informe true upon his peril.

Amercement.

A Mercement, most properly is a penalty assessed, by the Peeres or equals of the party amerced, for an offence done, as for lack of suit of Court, or for not amending of some thing that he was appointed to redresse by a certaine time before, or for such like cause, in which cause the party which offendeth putteth himselfe in the mercy of the King or Lord, and thereupon this penalty is called Amerciament.

And there is a difference between Amerciements & Fines, *Kitch. 214.* For fines are punishments certaine, which grow expressly from some Statute, and Amerciements are such which are arbitrarily imposed by the Justices, the which Master Kitchen seemeth to confirme, *Fol. 78.* in these wordes, The Amerciament is assessed by Equals.

Also it appeareth, *Coke Lib. 3. fol. 39.* That a fine is alwayes imposed & assessed by the Court, but Amerciament, which is called in Latine *Misericordia*, is assessed by the Country.

Another diuersity there is, As if a man be conuict before the Sherife in the Countie, of a Recaption, hee shall be but amerced, but if hee be conuicted of this in the Common Bench, he shall be fined, and the reason of this diuersity is, That the Countie Court is not a Court of record, and therefore cannot impose a fine, for no Court can impose a fine, but such a Court as is a Court of Record, *Co. lib. 8. fol. 41. a.* If the defendant or tenant plead a false deed to him, or deny his owne deed, & this is found against him, or he, leauing his owne verification, acknowledge the action, he shall be fined for his falsity, because wee ought to be sure of our owne acts: But if one deny the deed of his ancestor, and this is found against him, yet hee shall not be fined, but amerced onely, because it was the act of a stranger, *Co. lib. 3. fol. 60. a.* and see more there.

Et la est vn difference parerent Amerciament & Fines, *Kitch. 214.* Car Fines sont punisshments certaine, que cresceront expressement de aucun Statute, & Amerciament sont tiels que sont arbitralement imposez par les iustices, le quel M. Kitchen semble a confirmer, *fol. 78.* en ceuz parolles, Amerciament est assicere per pares.

Auxy il appiert, *Coke lib. 3. fol. 39.* que vn fine est tousiours impose & assicse per le Court, mes Amerciament, que est appel en Latin *Misericordia*, est assicse per pays.

Auter diuersite la est, come si home soit conuict deuant le Vicount en le Countie, d'un Recaption, il serra forsq; amerce, mes sil soit conuict de ceo en le Common Banke; il serra fine, & le reason de cest diuersite est, Que le Countie Court n'est pas Court de record, & pur ceo ne poit imposer vn fine, car nul Court ne poit imposer fine mes tiele court q est Court de record, *Co. lib. 8. fol. 41. a.* Si le defendant ou tenant plead vn faux fait a luy, ou deny s'il fait demesne, & ceo est trouue vers luy, ou sil, relisque verificatione cognoscit actionem, il serra fine pur son faux iurment, *Quia certi debemus esse de proprio facto.* Mes si vn deny le fait son ancestor, & ceo est trouue vers luy, vncore il ne serra fine, mes amercy solement, *Quia de alieno facto.* *Co. lib. 3. fol. 60. a.* & vide plus la.

Amercement royal.

A *Amercement royal*, est quant vn Vicé, Coroner, ou autre tiel officer del Roy est amercé p les Iustices pur son misdemeanor en le office. Quere si ne serra dit fine.

Amoneas manus.

A *Amoneas manus*, Veies Ouster le mayne.

An, iour, & wast.

A *N, iour, & wast*, est vn forfeiture, quant vn hōc ad fait petit treason ou felonie, & ad terres queux il tient de aucun common person, queux serra seisi pur le Roy, & remaine en son maines per la space de vn an & vn iour procheine apres le attaind, & donques les arbres serront defosse, les measons serront rases, & les pastures & prees ayres & plowed, si non que il a que le terre deuenera per leschete ou forfeiture, ne ceo redcem' del Roy : vn chose le plus de greuer le offenders & terrifie auters de cader en auiel, en demonstrance coment le ley detest lour offence, cy auant iustice q il execute iudgement & punishment sur lour mours & mort choses.

Aniente.

A *Niente* venust (cōe semble as aucuns) del Francois

Amercement royal.

A *Amercement royal*, is when a Sher fe, Coroner, or other such Officer of the King is amerced by the Iustices for his abuse in the Office. Learne if it shall not be said a fine.

Amoneas manus.

A *Moucas manus*, See Ouster le mayne.

An, iour, & wast.

A *N, iour, & wast*, is a forfeiture when a man hath committed petit treason or felony, and hath lands which hee holdeth of some common person, which shall be seized for the King, and remaine in his hands by the space of one yeare and a day, next after the attainder, and then the trees shall be digged bp, the houses shall be rased and pulled downe, and the pastures and medowes eyred and plowed bp, so that hee to whom the land should come by escheat or forfeiture doe not redeeme it of the K. a thing the more to greue the offenders and terrifie others to fall into the like, in shewing how the law doth detest their offence, so farre forth as that it doth execute iudgement and punishment euen vpon their dumb and dead things.

Aniente.

A *Niente* comes (as some thinke) from the French *Ancient*, that is,

is, *se abiliere & prosteruere*; or rather from the old Latin word, *Annihilare*, for *Aniente* in our old language signifies as much as *frustrat*; & of made voyd, and this word is used by M^r. Littleton in his 741. section.

Annates.

Annates is a word used in the Statute of 25. H. 3. cap. 20. and it seems to be all one with *fructus*, for so Pol. Virgil. de *inventione rerum*, lib. 2. cap. 1. saies, that *Annatarum* vsus multo antiquior est quam *recentiores* quidam scriptores suspicantur, & *Annatas* (more suo) appellant *primos fructus* vnius *Anni* *Sacerdotii* *vacantis*, aut *dimidiam* eorum *partem*.

Annua pensione.

Annua pensione, is a writ by which the King having due unto him an annuall Pension from any Abbot or Prior, for any of his Chapleines which hee will name unto him, who is not provided of a competent living, and this demandeth of the said Abbot or Prior for one that is named in the same writ, he will &c. And also commanding him, for the better certainty of his Chapleine, to give his Letters patents to him for the same, see Fitzherb. N. B. 231. where you may also see the names of all the Abbies and Priories which were bound to this, in respect of their foundation or creation, and also for the

Ancantir, (id est) *se abiliere* *anque prosteruere*, ou *perius* *de* *l* *veux* *Latine* *parol* *Annihilare*, car *aniente* *en* *notre* *ley* *signifie* *tant* *come* *frustrate* *ou* *defeat* : & *cest* *parol* *est* *use* *par* *M. Littleton*, *señt* *741*.

Annates.

Annates est un parol use en l'est. 25. H. 3. cap. 20. & semble d'éc tout un avec *Primitia*, car il lunt Pol. Virgil. de *inventione rerum* l. 2. c. 1. dir, *quod Annatarum vsus multo antiquior est quam recentiores quidam scriptores suspicantur, & Annatas (more suo) appellant primos fructus vnius anni sacerdotii vacantis, aut dimidiam eorum partem*.

Annua pensione.

Annua pensione, est un Brieve per que le Roy aye due a luy un annuall Pension d'alcun Abote ou Prior par ac- cū de ses Chapleins q il veile nommera a luy q n'est prouide d'un competent Benefice, & ceo demand del dit Abbot ou Prior pur vn q est nome en mesme le Brieve. jessq. &c. Et auxy luy comandat p lemeur assurance de son Chapleing a doher ses Letters patents a luy pur cel; vide Fitzherb. Nat. Bre. Fol. 231. ou voyez auxy veyer les nommes de toutes les Abbeyes & Priories q sueront lie a ceo, en respect de leur fondation ou creation.

The Exposition of

Et auxy par le forme des Let-
ters Parents vsualmente graüts
sur tiel briefe.

Annuitie.

A Nnuitie est vn certaine sum-
de money grant a vn auter
en Fee Simple, Fee Taile, pur
terme de vie, ou pur terme de
ans, a receiuer del Grantor
ou ses Heires, Assint que nul
franktènement est charge de ceo,
de que home n'aua vagues As-
sise ou auſ. action, forsque
Briefe de Annuity, & n'est alſcū
assets al heire le Grantor a que
il descendra.

La ſor plusors differēces po-
rent annuities barres: Car cheſ-
cū rent est assint hors de terre,
mes vn annuitie n'est issint
hors del Terre, mes chargera
le persō, cellascavoir, le grā-
tor ou ses heires, par assets per-
descend, ſinon ſpaciell prou-
isoit al contrary, come Lit.
Sec. 220.

Auxy par vn annuity n'est
assint par ſeignior ſolement
vn briefe de annuitie vers le
Grantor, ſes Heires ou Succel-
sors: Et cella briefe de annuity
ne vagues assint vers le Pernor
des profits, mes assint vers le
Grantor ou ſes heires: Ou par
vn Rent mesmes des Actions
par ſeigniors le tenant del ter-
re, & assint vers celuy que
est pernor del Rent, cellascav-
oir, vers luy que preist le rent
exceſſionnair. Auxy vn annui-
tie n'est deſſ. par assets, ſ

forme of the Letters Patent
vsually granted vpon such
writ.

Annuitie.

A Nnuitie is a certaine sum-
of money granted to another
in fee simple, fee taile, for
terme of life, or for terme o-
f years, or to receiue of the gran-
tor or of his heires; so that the
freehold is charged therewith
whereof a man shall neuer haue
Assise nor other Action, but a
writ of Annuity, and it is as-
sents to the heire of the Gran-
tor to whom it shall descend.

There are many differences
betwene Annuities and Rents.
for every Rent is issuing out of
land, but an Annuity is not iss-
uing out of land, but chargeth the
person, that is to wit, the grantor
or his heires, which haue Assets
by descent; if that some special
prouiso be not to the contrary, as
Lit. Sec. 220.

Also for an Annuity no Action
lyeth, but only a Writ of Annui-
ty against the grantor, his heires
or successors: and this writ of
Annuity neuer lyeth against the
taker of the profits, but on-
ly against the Grantor or his
heires. Where for a rent, the
same actions lye against the
tenant of the land, and some-
times against him that is
taker of the rent, that is to say,
against him that taketh the Rent
wrongfully. Also an annuity is
not to be taken for assets, because
it

It is not any Frohold in Law.
And it shall not bee put in execu-
tion vpon a Statute Merchant,
or Statute Staple, or Elegit, as a
rent may. Doct. & Stud. ca. 30.
See Dy. fo. 345. pla. 2. Also an
annuity cannot be seuered, Co. li.
1. fo. 52. b. according to the Writ
there :

Let no Iudge himselfe endeuer
Annuities or Debit to seuer.

Anoyfance.

A Noysfance is a word used in the
statute of 22. H. 8. cap. 5. and
signifies no more than Nuisance,
and therefore see title Nuisance
afterward.

Appeale.

An Appeal is where one hath done
a murder, robbery, or mayhem,
then the wife of him that is slain
shall haue an Action of Appeal
against the murderer, but if he
haue no wife, then his next heire
male shall haue the Appeal at
any time within a yeare and a
day after the deed.

And also he that is so robbed
or maimed, shall haue his ap-
peale, and if the Defendant be
acquitted, hee shall recouer dama-
ges against the appealer and the
abettors, and they shall haue the
imprisonment of a yeare, and
shall make shew to the King. An
appeale of mayhem is in man-
ner but a trespass, for he shall
recouer but damages.

et eo qd nescit accusari tenetur en
Ley. Et ne ferris nisi en execu-
tion sur vn Statute Merchant,
Statute Staple, ou Elegit, si-
come vn Rent-pair. Doct. &
Stud. c. 30. Vid. Dy. f. 345. pla. 2.
Auxy vn Annuity ne poid estre
seul. Co. li. 8. f. 52. b. accordans
al mettre la :

*Annale aut debitum,
Index nec separat ipsam.*

Anoyfance.

A Noysfance est vn paroll use
en le statute 22. H. 8. cap.
5. & signifie nient plus qd Nu-
sance, & par ceo vadeit. Nu-
sance apres.

Appeale.

An Appeal est louz nad fait
murder, robbery, ou may-
hem, donques la femme cestuy
que est tue, auera vn action de
Appeal vers le murderer, then
si nad femme, donques son pro-
chain heire male adra le ap-
peale a aucun temps deins lan
& iour apres le fait.

Et auxy cestuy q est illuz
robbe ou maymed, auera son
appeale, & si le defendant soit
acquite, il recouera damages
vers le appelleur & labbet-
ours, & ils aueront le impris-
onment dū an, & ferras fine al Roy.
Appeale de mayhem nescit en
manner for si que action de tres-
passe, car il ne recouera for-
que damages.

Appeales s'ont cōmencēz deux voyes, ou per brieve, ou per bill: Per brieve, quāt vn brieve est purchas hors del Chācery per vn home vers auter home, luy commandant que il appealera vn tierce home dascun felonie ou auter offence per luy com- mit, & a trouver pledges que il ceo ferra ouc effect, & cest brieve est destre deliuer al Vicount destre record.

Appeale per bill, est, quant vn home de luy mesme done son accusation d'auter home en escript al Vicount ou Coroner, & prist sur luy le burden d'appealing cestuy que est nom- me en le dit Escrips. Appellant est le Plaintife en appeal.

Appendant & Appurtenant.

Appendant & Appurtenant s'ont choses q' p tēps de pre- scriptio ont belōg, appartenant, & s'ont ioyneal vn auter princi- pall chose, ouesh; q' ils passēt & va cōseacēt al m' prin- cipal chose p' virtue de ceox parols *Pertinentis*: cōme terre, aduowsons, sōmbres, piscaries, chimins, courts, & diuers ti- tles semblables, al vn Man, p'aison, office, ou tiels aults.

Apportionment.

Apportionment est vn diui- ding en parts de vn Rent, le quel est diuidable, & nient en- tier ou whole, & tant que le chose hors de quel il suit desce

Appeales are commēced two wayes, either by writ, or by bill. By writ, when a writ is pur- chased out of the Chancery by one man, against another man, com- manding him, that hee shall ap- peale a third man, of some felony or other offence by him commit- ted, and to finde pledges that he shall doe this with effect, and this writ is to be delivered to the Sherife to be recorded.

Appeale by Bill, is when a man of himselfe giueth his accu- sation of another man, in writing to the Sherife or Coroner, and taketh vpon himselfe the burthen of appealing him that is named in the said writing. Appellant is the Plaintife in the appeale.

Appendant & Appurtenant.

Appendant & Appurtenant are things that by time of pre- scription haue belonged, apper- tained, and are ioynead to another principall thing, by which they passe and goe as accessary to the same speciall thing, by vertue of these words *Pertinentis*: as lands, Aduowsons, Commons, piscaries, wayes, Courts, and diuers such like, to a manor, house, office, or such others.

Apportionment.

Apportionment is a diuiding into parts of a rent which is diuidable, and not entire or whole, and so: as much as the thing out of which it was to be

pay, is separated and diuided, the rent also shall be diuided, ha-
uing respect to the parts. As if
a man haue a Rent service issu-
ing out of land, and hee purcha-
seth parcell of the land, the rent
shall be apportioned according to
the value of the land.

So if a man hold his land of
another by Homage, Fealty, es-
cuage, and certaine rent, if the
Lord of whom the land is holden,
purchase parcell of the land, the
rent shall be apportioned.

And if a man let Lands for
years, reseruing Rent, and after
a Stranger recovereth part of the
land, then the Rent shall be ap-
portioned, that is to say, diuided,
and the Lessee shall pay, hauing
respect to that which is recovered,
& to that which yet remaineth in
his hands, according to the value.

But a Rent charge cannot be
apportioned, nor things that are
entire: As if one hold land by
service, to pay to his Lord
yearly at such a feast, a Horse,
a Hawke, a Rose, a Cherry,
or such like, there if the Lord
purchase parcell of the land, this
service is gone altogether, be-
cause a Horse, a Hawke, a
Rose, a Cherry, and such other,
cannot be diuided, seuered, or ap-
portioned, without hurt to the
whole.

But in some cases Rent charge
shall be apportioned, as if a man
haue a Rent charge issuing out of
land, and his father purchase
parcell of the lands charged in fee,
and dyeth, & this parcell disce-

pay, est separate & diuide, le
rent auxy terra diuide, ayant
respect a les parts. Sicome vn
home ad vn. rent service issu-
ant hors de terres, & il pur-
chase parcel de le terre, le rent
terra apportion: accordant al
value del terre.

Isint si home tient son terre
dun auter per-homage, fealty,
escuage, & certaine rent, si le
Seignior de que le terre est
seu, purchase parcell del
terre, le rent terra apportion.

Item si hōe lessa Terres pur
ans, reseruant Rēnt, & apres
vn estrange recoū part de le
terre, donques le Rent terra
apportion, cest adire, diuide,
& le lessee paiera, aiant respect
a ceo que est recoū, & a ceo
q ore remaine en ses maines,
accordant al value.

Mes vn Rent charge ne poit
estre apportion, ne choses que
sont entier: Sicome vn tēne
fres p service de payer a son
Seignior annuellement a tiel
feast, vn Chival, Esperuer, vn
Rose, vn Cherrey, ou tiels se-
blables, la si le Sūr purchase
pcel de la fre, cest service est
tout ale, p ceo que vn Chival,
Esperu, Rose, ou vn Cherrey,
& tiels auts, ne poyent estre
diuide, seuered, ou apportion,
sans damage al entierity.

Mes en ascū cases Rēnt charge
terra apportiō, cōc si home ad
Rent charge issuant hors de
terre, & son per purchase par-
cel de les terres charges en
fee, & morust, & cel parcell

Appeales s'ont commencez deux voyes, ou per brieve, ou per bill: Per brieve, quant vn brieve est purchas hors del Chancery per vn homme vers auter homme, luy commandant que il appealera vn tierce homme d'aucun felonie ou auter offence per luy committre, & a trouver pledges que il ceo ferra oue effect, & cest brieve est destre deliuer al Vicount destre record.

Appeale per bill, est, quant vn homme de luy mesme done son accusation d'auter homme en escript al Vicount ou Coroner, & prist sur luy le burden d'appealing cestuy que est nome en le dit Escrips. Appellat est le Plaintife en appeal.

Appeales are commenced twayes, either by writ, or by bill. By writ, when a writ is purchased out of the Chancery by one man, against another man, commanding him, that hee shall appeale a third man, of some felony or other offence by him committed, and to finde pledges that shall doe this with effect, and the writ is to be delivered to the Sherife to be recorded.

Appeale by Bill, is when man of himselfe giueth his accusation of another man, in writ to the Sherife or Coroner, a takerh byon himselfe the burden of appealing him that is named in the said writing. Appellant is the Plaintife in the appeale.

Appendant & Appurtenant.

Appendant & Appurtenant s'ont choses qui p tēps de prescription ont belog, appartenant, & s'ont ioynal vn auter principal chose, ouesh; q'ils passent & va comme accessaries al principal chose pbr vertu de cez parols *Pertinentiis*: come terre, aduowsons, ombons, piscaries, chemins, courts, & diuers tiels semblables, al vn Maner, maison, office, ou tiels autres.

Appendant & Appurtenant.

Appendant & Appurtenant are things that by time of prescription haue belonged, appertained, and are ioyned to another principal thing, by which they passe and goe as accessary to some speciall thing, by vertue these words *Pertinentiis*: lands, Aduowsons, Common piscaries, wayes, Courts, & diuers such like, to a maner house, office, or such others.

Apportionment.

Apportionment est vn diuiding en parts de vn Rent, le quel est diuidable, & nient entier ou whole, & encor que le chose hors de quel il suit desle

Apportionment.

Apportionment is a diuiding into parts of a rent which is diuidable, and not entire whole, and for as much as thing out of which it was to pay

part, is separated and divided, the rent also shall be divided, having respect to the parts. As if a man have a Rent service issuing out of land, and hee purchaseth parcell of the land, the rent shall be apportioned according to the value of the land.

So if a man hold his land of another by Homage, Fealty, escuage, and certaine rent, if the Lord of whom the land is holden, purchase parcell of the land, the rent shall be apportioned.

And if a man let Lands for years, reserving Rent, and after a stranger recovereth part of the Land, then the Rent shall be apportioned, that is to say, divided, and the Lessee shall pay, having respect to that which is recovered, & to that which yet remaineth in his hands, according to the value.

But a Rent charge cannot be apportioned, nor things that are rent: As if one hold land by service, to pay to his Lord yearly at such a Feast, a Horse, a Hallowe, a Rose, a Cherry, or such like, there if the Lord purchase parcell of the land, this service is gone altogether, because a Horse, a Hallowe, a Rose, a Cherry, and such other, cannot be divided, severed, or apportioned, without hurt to the whole.

But in some cases Rent charge shall be apportioned, as if a man hath a Rent charge issuing out of land, and his father purchaseth parcell of the lands charged in fee, and dyeth, & this parcell disceen-

pay, est separate & diuide, le rent aux y terra diuide, ayan respect a les parts. Sicome vn home ad vn rent service issuant hors de terres, & il purchase parcel de le terre, le rent sera apporcion: accordant a value del terre.

Insint si home tient son terre dun autre per-homage, fealty escuage, & certaine rent, si le Seignior de que le terre est tenu, purchase parcell de terre, le rent sera apporcion.

Item si hōc lessa Terres pour ans, reseruant Rent, & apres vn estrange recoü part de le terre, donques le Rent sera apporcion, cest adire, diuide: & le lessee paiera, aiant respect a ceo que est recoü, & a ceo q ore remaine en ses maines, accordant al value.

Mes vn Rent charge ne peut estre apporcion, ne choses que sont entier: Sicome vn tenant s'eseruit de payer a son Seignior annuelment a tel feast, vn Chival, Esperuer, vn Rose, vn Cherrey, ou tiels semblables, la si le Sñr purchase parcell de la t're, cest service est tout ale, p ceo que vn Chival, Esperu, Rose, ou vn Cherrey & tiels auts, ne poyent estre diuide, seuered, ou apporcion sans damage al entierity.

Mes en ascū cases Rēcharg sera apporciō, cōc si home a Rent charge issuant hors d terre, & son per' purchase parcell de les tetres charges e fee, & morust, & cel parcell disceen-

E. disceen

The Exposition of

descend a son frere que ad la Rent charge, or cel Charge sera apportion solonque le value de la terre, pur ceo que tiel portion de la terre purchase per le pere ne vient al frere per son fait demesne, mes per descent, & per course de Ley.

Common appendant est de common droit & seuerable, & coment que le commoner en tiel case purchase parcel del terre en q le common est appendant, ync le common sera apportion : mes en tiel case common appurtenant & newy appendant per tiel purchase est extinct. *Coke, lib. 8. fol. 79.*

Apostata capiendo.

A *Postata capiendo* est vn bfe direct al viscount p le prenat del corps dū que ayant enf & professe ascun order de religion, relinquit le dit order, & waiue son meason; & est vagraunt en le pais : & sur vn certificate de c' matter p le souveraigne del dit mease de religion fait en le Chauncery, & le prier del dit bfe, il aia ceo direct al viscount pur lapprehender de luy, & redeliuery al dit souveraigne del mease ou son loyall attourny. V. le forme del bfe en *Fitzb. N. B. 233. c.*

Appropriations.

A *Propriations* fuer' quant ceux meases de le Romish

beth to his sonne which hath rent charge, there this charge shall be apportioned according the value of the land, because that such portion of the land purchased by the father, cometh not to the sonne by his owne but by descent, and by course of Law.

Common appendant is common right and seuerable, although that the commoner such case purchase parcell of a land wherein the common is appendant, yet the common shall be apportioned : But in this case common appurtenant and newy appendant, by such purchase extinct. *Coke, li. 8. fo. 79.*

Apostata capiendo.

A *Postata capiendo*, is a writ directed to the Sherife, for taking of the body of one who having entered into and professed some order of religion, leaves his said order, and departs from his house, and wanders in the country : upon a certificate of the matter made by the sovereign of the house in the Chancery, at the praying of the said writ, I shall have it directed to the Sherife for the apprehending of him and redeliuery of him to the said sovereign of the house or his lawful attourney. And see the forme of this writ in *Fitzb. N. B. 233.*

Appropriations.

A *Propriations* were when the houses of the Romish Religion

and these religious persons, as Abbots, Priors, and such like, at the aduowson of any Parsonage to them and to their successors, and obtained licence of their father the Pope, and of the Ordinary and King, That by themselves and their successors from thenceforth should be Parsons there, and that it shall be from thenceforth a Vicarage, and that the Vicar shall serue the cure. And so at the beginning appropriations were made onely to these persons Spiritual that could minister the Sacraments, and say diuine Service, as Abbots, Priors, Deanes, and such like. After by little and little they were enlarged & made to others, as namely, to a Deane and Chapter, which is body corporate, consisting of many, which body together could not say diuine Service, and which was more, to Nuns that were Prioresse of some Nuntie, which was a wicked thing, insomuch as they could neither minister Sacraments, nor preach, nor say diuine service to the parishioners.

And all this was vpon pretence of hospitality and maintenance thereof. And to supply these defects a Vicar was deuised, who should be deputy to the Priors, or to the Deane and Chapter, & also at the last to the said Abbots, and others, to say diuine Service, and should haue for his labour but a little portion, & they to whom the appropriations were made, should retaine the

Religion, & ceux religieux persons, come Abbots, Priors, & tiels semblables, auoient le aduowson de aucun Parsonage al eux & a leur successeurs, & obtaine licence de leur S. Pere le Pape, & de le Ordinary & Roy, q̄ ils mesmes & leur successeurs de ceto in auant doient este Parson la, & il serra & auant un Vicarage, & que le Vicar seruera le Cure. Et issint al commencement appropriations fueront fait: seulement a ceux persons Spirituals, que puissioient minister les Sacraments, & dire diuine Service, come Abbés, Priors, Deanes, & tiels semblables. Apres p-petit & petit ils fueront enlarge & fait as autres, come noisment al Deane & Chapter, quel est corps corporat, consisting de plusors, quel corps ensemble ne puissot dire diuine service, & que puis fuit, al Nunsque fuerot Prioresse de ascū Nūry, quel fuit chose horrible, entāt q̄ ils ne puissioient minister Sacraments, ne preach, ne dire diuine Service al parochians.

Et tout ceo fuit sur pretence de hospitality & maintenance de ycel. Et de supplier cel defects un Vicar fuit deuise, quel serroit deputy al Priors ou Deane & Chapter, & auxy al darrein al dit Abbes, & autres a dire diuine Service, & il aueroit pur son labour forsque petit portion, & ils a quel le appropriations fueront fait, reteniront le grand

Et a reueue.

The Exposition of

reuenues, & ils sefoient riens pur ceo, per meanes de quel hospitaly decay en le lieu ou il doit estre chieftement gard, noshement en le parish ou le benefiç fuit, & ou les profits cressoyent, & issint il continue tanq; a cest iour, al grand hinderance de erudition, al impouerishment de le Ministry, & le infamie de le Gospel, & le professors de ycel.

Le Vicar auera vn certaine portion del Benefice, & que le Abbe & le Couent serront Parsons, & aueront les autres profits : cest appelle vn Appropriation, & donques le Abbe & le Couent serront Parsons imparsones : mes tiel Appropriation ne poit estre fait a commencer en le vie le Parson, sans son assent.

Et apres Lesglise fuit appropriate, donques fuit ceo vn Incident, inseparable al Meason de Religion, a que ceo fuit issint appropriate. Et pur ceo, ou les terres des Templars en Angleterre fues done per les generall parols dun Act de parliament de 17. Ed. 2. al Hospitalers, fuit adiudge que les Hospitalers p le dit Act nauerôt lappropriatiō, car ceo fuit inseparablement annex al Corporation des Templars : quel chose consistant en inseparable priuie, per general parols dun Act de parlement, ne serra transference al autres. *Coke lib. 7. fol. 13. a.*

greater reuenues, and they nothing for it, by meanes where of hospitaly decayed in the place where it ought to haue been chiefly maintained, namely the Parish where the benefice was, and where the profits increase, and so it continues to this day, to the great hinderance of learning, to the impoverishment of the Ministry, and to the infamy of the Gospel, and professors thereof.

The Vicar shall haue a certain Portion of the Benefice, and the Abbot and the Conue shall be Parsons, and shall haue the other profits : This is called Appropriation, and then the Abbot and Conue shall be Parson imparsones : But such Appropriation may not be made to begin in the life of the Parson without his assent.

And after the Church was appropriated, then was it an Incident, inseparable to the House of Religion, to which it was so appropriated. And therefore, when the Lands of the Templars in England were given by the general words of an Act of Parliament of 17. Ed. 2. to the Hospitalers, it was adiudged, That the Hospitalers by the said Act should not haue the Appropriation, for it was inseparably annexed to the Corporation of the Templars : which thing consisting in an inseparable priuie, by the general words of an Act of Parliament, shall not be transferred to others, *Coke lib. 7. fol. 13. a.*

But

But if such aduowsons of the Parsonage be recovered by ancient title, then the Appropriation is aduulled. And it is called Appropriation, for that they hold the profits to their owne proper vse.

Approuer.

Approuer or Appellor, is he who hath committed some felony, which hee confesseth, and now appealeth or approueth, that is to say, accuseth others which were coadiutors or helpers with him in doing the same; or other felonies, which thing he will approue: And this prooffe is to be made by battaile, or by the countrey, at his election that appealed. This accusation is often done before the Coroner, who either is assigned to the felon by the court to take and record that which hee saith, or is called by the felon himselfe, and required for the good of the Prince and Common weale, to record that which hee shall say. The Oath of the Approuer, when hee beginneth the Combat, as also the proclamation by the Heralds, appeare in Crompton, pag. vlt.

If a man that is of good fame, be appealed by an approuer, by which he is taken and kept in Prison, yet hee may haue a writ to be directed to the Sheriffe, commanding him to suffer the party appealed to be bayled by good sureties. But if a man appealed by an Approuer, be kept in Prison, and afterwards the

Mes si tiel Aduowson del Parsonage soit recotier p ancient title, d'oques l'appropriatio est aduulle. Et est appelle appropriation, pur ceo q'ils teignent les profits a leur proper vse.

Approuer.

Approuer ou Appellor, est ceste que ad fait auel felony, le quel il confesse; & a ore appeale ou approue, cest adire, accuse auters que fuerent coadiutors ou aydors oue luy en fesss de ceo, ou auters felonies, le quel chose il voyle approuer: Et cest prooffe est destre ou per battaile, ou per le pais, a son election q' approue. Cest accusation est plusieurs foits fait deuant le Coroner, q' ou est assigne al felon per lo Court, a preder & recorder ceo q' il dit, ou est appel p le felon luy mesme, & require pur le bon del Prince & publique weale, a recorder ceo que il dira. Le Serement del Approuer, quant il comence le combat, come auxi le proclamation per les Heralds, apperont en Crompton, pag. vlt.

Si home q' est de bone fame, soit appeale p vn Approuer, q' il est prise & detaigne en prison, vncore il peut auer vn briefe destre direct al Vicount, luy commandant a paier le party appeale destre bayle p bone Mainperours. Mes si hōe appeale p vn Approuer, soit detaigne en prison, & apres le

The Exposition of

Approuer deuic, la il puit sue
vn brieſe dirēt al Viſcont, a
pmitter ſuy de aler a main-
priſe ſur bonē ſurety, ſil ne ſoit
vn notorius ſelſ, conſir q̄ il ne
ſoit de bōc fame, *F. N. B. 250. d.*

Approuer dieth, there he may
a writ directed to the Sherife,
ſuffer him to be hayled vpon good
ſurety, if he be not a notorius
ſelon, although he be not of good
fame, *Fitz. N. B. 250. d.*

Approuement.

Approuement: eſt lou vn hōc
ad cōmon en le waſt terre
de Seignior, & le Seignior ē-
cloſe part del waſt terre pur
luy meſme, relinquiſſant niēt
obſtant ſufficiēt Common, oue
egreſſe & regreſſe pur les cō-
moners. Ceſt incloſure eſt ap-
pel Approuement.

Approuement.

Approuement, is where a man
hath common in the Lords
waſt ground, and the Lord in-
cloſeth part of the waſt for him-
ſelf, leauing neuertheleſſe ſuffici-
ent Common, with egreſſe and
regreſſe for the Commoners.
This incloſing is called Ap-
prouement.

Approuers le Roy.

Approuers le Roy ſont ceux q̄
ont le dēmiſer des de-
meanes le roy deins petites
māors le roy p̄le plus auailē
le roy. Et deſciels Approuers
poies veier en leſtatut fait 1.
E. 3. cap. 12. q̄ ſueront hōcs mi-
ſes en diuers counties p̄ in-
creaſer les farmes des Hūdreſ
& wapentakes. Et eſt a veier
en leſtat. 1. E. 3. cap. 8. que les
viſcounts appel. eux meſmes
les Approuers le Roy.

The Kings Approuers.

The Kings Approuers are thoſe
that haue the letting of the
Kings demeanes, in ſmall man-
nors for the Kings greater ad-
uantage. And of ſuch Approuers
you may read in the Stat. 1. E. 3.
cap. 12. that they were men ſent
into diuers Counties to increaſe
the farmes of Hundreds and wa-
pentakes. And you may ſee in
the Statute made in 1. E. 3. cap.
8. that the Sherifes call them-
ſelues the Kings Approuers.

Arbitrement.

Arbitrement eſt vn award, de-
termination, ou iudgement,
quel vn ou pluſōrs ſont al re-
queſt de deux p̄ties al meſmes,
pur & ſur aſcū det, treſpaſſe, ou
auter controuerſie cwe perſōer

Arbitrement.

Arbitrement is an Award, de-
termination, or iudgement,
which one or more maketh at the
requeſt of two parties at the leaſt,
for and vpon ſome debt, treſpaſſe,
or other controuerſie had betwixen
the

the said parties. And this is called in Latin *Arbitrarius*, and *Arbitrium*; and they that make the award or arbitrement are called *Arbitri*, in English *Arbitrators*.

To every arbitrement five things are incident, *sc.* Matter of controversy, submission, parties to the submission, arbitrators, and giving up of the arbitrement, *Dyer* 217. *pl.* 60. If the Arbitrement be made, that the one party shall give quit of all Actions which the other hath against him, and nothing is said of the Actions which he hath against the other; his arbitrement is void, because it was made of the one part, and not of the other. 7. H. 8. ca. 40.

Where a submission to an arbitrement is general of all actions, &c. and the Arbitrator makes an award only of one; yet this may well stand with the generality of the words, that there was not but one cause depending betwene them; for, a generality implieth do certainty. And if the arbitrement should be for this awarded, that many arbitgements might be awarded, for the one might conclude all that is done, or other cause of action given unto him, and so award the arbitrement. Also no party to any arbitrement shall be by it bound, unless that the award be delivered unto him, as it is *Coke lib. 3. fol. 103.* See *Coke lib. 8. fol. 98.*

Arches.

Arches (or the Court of the Arches) is the chief and most

les dits ptes. Et cest appel en Latin *Arbitrarius*, & *Arbitrium*, & ils q font le award ou arbitrement, sont appel *Arbitri*, en Anglois, *Arbitrators*.

A chescun Arbitrement cinq choses sont incident, *sc.* Matter de controverſie, Submission, parties a la submission, arbitrors, & rendre ſuis del arbitrement *Dyer* 217. *pl.* 60. Si l'arbitrement ſoit fait, que l'un partie aiera quit de toutes actions que l'autre ad vers luy, & riens est dit des actions que l'ad vers luy, cest arbitrement est voyd, p ceo que ſuit fait de l'un part, & nemy de l'autre. 7. H. 8. 40.

Quant vn submission a vn arbitrement est general de contractions, &c. & le arbitrator fait un award ſolement de vn vneore ceo bien poit eſtoie oite les generalite des parols, q la ne ſuit forsq; vn cause dependant perent eux, car, *generale nihil certe impliunt.* Et ſile arbitrement ſeroit pur ceo, auoide, donq; pluſors arbitrement poiet eſtre auoyd, car lū poit eſceale vn eſciple fait, ou autre cause d'action done a luy, & ſi l'arbitrator voyde l'arbitrement. Auxy nul party al aſcū Arbitrement ſerra per ceo lye, ſimon que le award ſoit a luy deliuer, come est *Coke lib. 3. fol. 103.* *Vide Coke lib. 8. fo. 98.*

Archer.

Archer (ſive *Curia de Archibus*) est le principal & plus

The Exposition of

ancient consistory que appartenait au Archeuesq; de Canterbury, & estappel le Arches del esglise lou le dit court est tenu, viz. *Ecclesia Beate Marie de Arcubus en Londres.* Et de cest court mencion est fait en lestatut, fait en 24. H. 8. cap 12. touchant Appeales.

Array.

Array est le disposing ou ordering dū lury, ou Enquest de homes q; sōt impanel sur ascē cause, 18. H. 6. ca. 14. de que vient le verbe, alarrayer vn pannel, *Vet. N. B. fo. 157.* Cest adire, a mitter hors vn pauter, les hōes q; sōt empānel. Le array serra quash, *ibid.* Per statute, chescun array en Assise deuot destre fait quater iours deuant. *Brook. tit. Panel. nū. 10.* A challeng' le array. *Kit. 92.*

Arraine.

Arraine, est a mitter vn chose en order, ou en son lieu: Si come il est dit al arraine vn brieve de Nouel Disseisin en vn coutry en q; il deuot estre port pur triall, deuant les Iustices de cel circuit, *Vet. N. B. fo. 109.* Et en tiel sensē M. Lit. ad vsc mesme le pol. Le Lessee arraignē vn Assise de Nouel disseisin. Auxy vn prisoner est dit destre arraigne, qāt il est indict & mis a son trial.

Arrest.

Arrest est quant vn est pris & restraine a son liberty.

ancient consistory belonging vnto the Archbishop of Canterbury and it is called the Arches of the Church where the Court is kept namely Bow-Church in London And of this Court mention is made in the Statute made in 24. H. 8. cap. 12. touching Appeales.

Array.

Array is the taking or ordering of a Jury, or Enquest of men that are impanelled vpon any cause, 18. H. 6. ca. 14. from whence cometh the Verbe, to array a pannel, Old N. B. fol. 157. That is to say, to set forth one by another the men that are impanelled. The array shall be quashed, *ibid.* By statute every array in Assise ought to be made foure dayes before, Br. tit. Panel, nū. 10. To challenge the array, *Kit. 92.*

Arraine.

Arraine is to put a thing in order or in his place: As hee is said to arraine an Assise of Nouel Disseisin in a County in which it ought to be brought for triall before the Iustices of that Circuit, Old N. B. fol. 109. And in such sense M. Lit. hath vsed the same word. The Lessee arraineth an Assise of Nouel disseisin. Also a prisoner is said to be arraigned, when hee is indicted and put to his triall.

Arrest.

Arrest is when one is taken and restrained from his liberty.

Nul serra arresté par des, tres-
passe, detinue, ou autre cause
de action, mes par vertue d'un
precept, ou commandement
hors de ast^e Court. Mes par
treason, felonie, on destruser
del peate, chascun home ad
auctoritie de arrester sans gar-
rancia ou precept. Et lou vn
serra arresté pur felonie, il co-
tient que ascun felonie soit
fait, & que il soit suspect de
le felonie, ou autrement il
poet au casus luy que issint luy
arrest, vn brieve de faux im-
prisonnement. Et quaut ascun
home est arresté pur felonie, il
serra amene a le Gaile, la a de-
mour tanq; al pechein Session
pur este indict, ou p este deli-
uer, per Proclamation.

Arterages.

A Arreages sont dues avec
nient pay, apres le iours &
temps en q'il ils fueront dues,
& doient auer estre payes,
soyez ils rent de manor, ou
aucun auer chose reservee.

Arrested.

A *Arreſt* eſt ceſty que eſt
appel deuant aſc' ludge, &
charge oue vn crime. Aſcun
foits ceo eſt uſe pur impire
ou laid vnto, ſicome nul ſolly
puit eſtre arreſt a luy que eſt
deins age, *Lit. Cap. Remit.* Ceſt
parol poyt eſſe dit a vener del
Larine parol *Rectus*, car Mon-
ſieur *Bracton* ad ceſt phraſe,

The Exposition of

Ad rectum habere malefactorum, il faut que il soit chargé & mis a son trial. Et en auter lieu il est, *Restatus de morte hominis*.

Assayer.

Assayer est vn officer del Mint, appointé a lestatute *H. 6. cap. 11*, de present al sceit del Bullion, cō vn party indifferent cōt le Master del Mint & le Merchānt, pur déterminer le veray valur del Bullion solongue le ley.

Assart.

Assart est vn offence committē en le Forest par arrachement le boys que sont Thickets ou couerts del Forest, & p̄scaissance de eux cy plaine come le terre arrable. Cest Assart del Forest est le plus grand offence ou trespass de tous autres q̄ puit estre fait en le Forest, al Vert ou Verison, contēnt en ces Writs, ou plus. Car ou writ del Forest nest forsque le felling & succiding del couert boys q̄ poert e temps recrescer; Vn Assart est vn attachment a le root, per q̄ ils ne vntes poient crescer. *M. Manwood, part. 1. cap. 9. lib. 1.* Vn briefe de *Ad quod dampnum* poit estre agard, ou vn home voile lue pur vn licence daller son terre deus le Forest, & faire e federal p̄ agriculture, il faut que nest aucun offence al fait faire per licence, *Reg. orig. fo. 2. 7.*

Ad rectum habere Malefactor so that he may be charged but to his trial. And in a ther place he saith, *Restatus de morte hominis*.

Assayer.

A Sayer is an officer of the Mint appointed by the statute *H. 6. cap. 11*, to be present at taking in of the Bullion, a party indifferent betwene Master of the Mint & the Merchant, to set the true value of Bullion according to the law.

Affart.

A Sarr is an offence committed in the Forest, by pulling up the roots the woods which Thickets or conets of the Forest, and by making of them plaine as the arable Land. *Affart* of the Forest is the greatest offence of Trespass of all others that can be done in the Forest, to Vert or Verison, containing in it death, or more: A where writ of the Forest is nothing but the felling and cutting downe of the couert wood, whi may in time grow againe; *Affart* is a pulling up by the root, by which they can neuer grow againe, *Manwood part. 1. cap. 9. lib. 1.* A writ of *Ad quod dampnum* may be awarded where a man will sue licence *Affart* his land within the Forest, and make it federal for tillage, so that it is no offence if be done by licence, *Regist. orig. fo. 27.*

Assets.

Assets.

Assets is in two sorts, the one called, Assets per descens, the other, Assets enter maines : Assets per descens is whete a man is bound in an Obligation, and is seised of lands in Fee Simple, which descend to his Heire, then his land shall be called Assets, that is to say, enough or sufficient to pay the same debt, and by that means the heire shalbe charged as for as the Land so to him descended will stretch. But if he have aliened before the Obligation be put in suit, hee is discharged.

Also when a man seised of lands in taile, or in the right of his wife, alieneth the same with warranty, or hath in battie as much Lands in fee Simple, which descendeth to his heire, who is also heire in taile, he is heire to the Women: Now if the heire, after the decease of his ancestor bring a writ of Forimdon, or for cui in vita, for the land so aliened, then he shall be barred, by reason of the warranty, and the land so descended, which is as much in value as that was sold, shall so thereby hee hath received a preiudice : and therefore this is called, Assets per Descens.

Assets enter Maines is when a man indebted (as before is said) hath executors, and leaveth to them sufficient to pay, or some commodity or profit is come unto them in right of their testatour, this is said Assets in their maines.

Assets, est en deux sorts, l'un appel, Assets per descens, l'autre, Assets enter maines. Assets per descens est, l'un vn hōc est obligé en vn Obligation, & moult seise de terres en Fee Simple, queux descend a son heire, doques cest Terre sera appel Assets, cest adire, suffisent de payer cest dette, & par cest meanes le heire sera charge cy auant q le terre issint a son descendent voil stretch : mes si l'alien deuā q l'obligation fait mise en suit, il est discharge.

Auxy quant vn homme seise de terre en Taile ou en droit de son feme, alien ceo vne Garanty, & ad e value tant Terre en fee simple, que descend a son heire, q est auxy heire en taile, ou heire a femme : Or si le heire apres le mort son ancestor port vn Breue de Forimdon, ou Sur cui in vita, pour le terre issint alien, doques il sera barre, par reason du garranty, & le terre issint descend, q est rat e value come ceo q fuit vende, & issint par ceo il nad receiue aucun preiudice : & par ceo cest terre est appel Assets per descens.

Assets enter Maines est, quant vn homme en det, come det a son dit, fait executors, & relinguit a eux sufficient de payer, ou aucun commodity ou profit est venus a eux en droit leur testatour, cest appel Assets en leur maines.

Assignee.

Assigne est celuy, a que vn chose est appoint ou assigné deite occupy, pay, ou fait, & est toussoits tiel p^{so}, q^u occupy ou ad le chose issint assigne e son droit demesne, & pur luy mesme : Et de Assignees il y sontz. sorts, noisment, Assignee en Fait, & Assignee en Ley.

Assignee en Fait, est quant vn Lease est graunt al vn & a ses Assignees, ou l^{es} ceux p^{so}s, Assignees, & le grantee donc, graunt ou vende le dit Leas al auter, il est s^o Assignee en fait. Assignee en ley est chescū executor noisne p^{le} testator en son testam^{en}t: cōc si vn Leas soit fait al vn hōc & a ses Assignee (scome est quantdit) & il fait ses executors, & morust sans assignement del Leas al ascū auter; Or les executors auerameisne le Leas, pur ceo que ils sont ses Assignees en Ley. Et issint est en auters semblables cases.

Assise.

Assise est vn Briefe, & gift ou ascū home est mis hors de son terre, ou tenements, ou de ascū profit aprender en certain lieu, & issint disseise de son frākenement. Frākenement a ascū hōc, est lou il est seise de terres ou tenements, ou profit a prēder in Fee simple, Fee taile, pur terme de s^o vie demesne, ou pur

Assignee.

Assignee is hee, to whom thing is appointed o^r assigni to be occupied, paid, o^r done, and is alwayes such a person, whi occupieth o^r hath the thing so assigned in his owne right, and f himselfe : And of Assignees the hee two sorts, namely, Assign in Deed, and Assignee in Law.

Assignee in Deed, is when Lease is granted to a man and his assignees, o^r without tho word assignees, and the grant giveth, granteth o^r selleth the same lease to another, hee is h^{is} Assignee in deed. Assignee in Law is every Executor name by the testator in his testament. As if a Lease be made to a man and his Assignes (as is afo^re said) and hee maketh his executors, and o^perth without assignement of the Lease to any other. Now the executors shall haue the same lease, because they are h^{is} assignees in Law : And so it is in other cases.

Assise.

Assise is a writ, and it lyeth where any man is put out o his lands, tenements, o^r of any profit to be taken in a certain place, and so disseised of his freehold. Freehold to any man, is where he is seised of lands and tenements, o^r profit to be taken in Fee simple, Fee taile, fo^r terme of his owne life, o^r fo^r terme of another

another mans life. But the tenant by Elegit, tenant by Statute Merchant, and Statute Staple may sue Writ, howe be it that they haue no freehold, and this is ordained by diuers Statutes.

Also in an assise it is needfull to shew that there be one disseisor; and one tenant, or otherwise the writ shall abate.

Also where a man is disseised, and recouereth by Writ of Nouel Disseisin, and after ward is againe disseised by the same Disseisor, he shall haue againt him a writ of Reddisseisin directed to the Sheriffe to make inquisition, and if the redisseisin be found, hee shall be sent to prison. Also if one recouer by Writ of Mortdauincester, or by another Jury or default, or by reddisment, and if he be another time disseised, then hee shall haue a writ of Post disseisin, and hee which is taken and imprisoned for disseisin, shall not be deliuered without speciall commandement of the King. See the Statutes in the Statute of Merton cap. 3. Marlebridge cap. 8. & Westm. 2. cap. 26. There is also another Writ, called Writ of Fresh Force, and sheweth where a Man is disseised of tenements which are diuisable, as in the City of London, or other Boroughs or Townes that bee franchises, then the Defendant shall come into the Court of the said Towne, & enter his plaint, and shall haue a writ directed to the Maior, or Bailiffes, &c. and thereupon shall passe a Jury in manner of Writ of Nouel Disseisin.

terme dauter vie, Mesrenair p Elegit, tenant p Stat. Merchant & Statute Staple poyent auer Assise, comt que ils ont Franktenement, & ceo est ordaine per diuers Statutes.

Auxy en Assise il couient tous foits que il soit vn Disseisor & vn Tenaunt, ou autrement le Brieft abatera.

Auxy ou vn hōc est disseise, & recouera p Assise de Nouel Disseisin, & puis est auterfoits disseise p mesme le Disseisor, il auera vers luy vn Brieft de Reddisseisin direct al Viscont de faire inquisition, & si trouue soit le Reddisseisin, il sera mis en prison. Auxy si hōc recouera p Assise de Mortdauincester, ou p autre Jury, ou per default, ou reddition, & si soit auterfoits disseise, il auera donques vn Brieft de Post disseisin, & cestuy q est pris & imprison pur redisseisin, ne serf deliuer sans especiall cōmandement le Roy. Vide les Estatutes inde Merton cap. 3. Marlebridge, cap. 8. & Westm. 2. cap. 26. Auxy il est vn autre Assise de Fresh force. & gist lou hōc est disseise de Tenements queux sont deuissables, come en le City de Londres, ou autre Boroughs ou villes que sont Enfranchises; doncs le Defendant viendra en le Court del dit Ville, & entras son plaint, & auera vn Brieft direct al Mayor, ou Bailiffes, & sur ceo passera vn Jury en maniere de Assise de Nouel Disseisin. Mes il couient

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Assise est vn Briefe, & gift ou ascū home est mis hors de son terre, ou tenements, ou de ascū profit aprender en certain lieu, & issint disseise de son frāktenem^{en}t. Frāktenem^{en}t a ascū hōc, est lou il est seise de terres ou tenements, ou profit a prēder in Fee simple, Fee taile, pur terme de s^o vie demesne, ou pur

Assignee.

Assignee is hee, to whom thing is appointed or assigne to be occupied, paid, or done, a is alwayes such a person, whi occupieth or hath the thing so assigned in his owne right, and himselfe : And of Assignees there bee two sorts, namely, Assignee in Deed, and Assignee in Law.

Assignee in Deed, is when Lease is granted to a man and his assignees, or without the words assignees, and the grant giueth, granteth or selleth the same lease to another, hee is h^o Assignee in deed. Assignee in Law is every Executor name by the testator in his testament. As if a Lease be made to a man and his Assignes (as is afore said) and hee maketh his executors, and doeth without assignement of the Lease to any other. Now the executors shall haue the same lease, because they are his assignees in Law : And so it is in other cases.

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sor and one tenant, or othwise
writ shall abate.

Also where a man is disseised,
he recouereth by Writ of Nouel
Disseisin, and after ward is againe
disseised by the same Disseisor, he
shall haue against him a writ of
Redisseisin directed to the Sheriffe
make inquisition, and if the re-
disseisin be found, hee shall be sent
to prison. Also if one recouer by
Writ of Mortdauincester, or by o-
ther Iury or default, or by reddi-
tion, and if he be another time dis-
seised, then hee shall haue a writ
of Post disseisin, and hee whiche
is taken and imprisoned for
Redisseisin, shall not be deliuered
without speciall commandement
of the King. See the Statutes
of Marlebridge cap. 3. Marle-
bridge cap. 8. & Westm. 2. cap. 26.

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called Writ of Fresh Force, and
where a Man is disseised of
tenements which are diuisible, as
in the City of London, or other
Boroughs or Townes that bee
franchised, then the Defendant
shall come into the Court of the
said Towne, & enter his plaint,
and shall haue a writ directed to
the Mayor, or Bailiffes, &c. and
thereupon shall passe a Iury in
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& recouera p Assise de Nouel
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Iury en manniere de Assise
de Nouel Disseisin. Mes il
couient

The Exposition of

couient que il enter son pleint
deins quadragint iours, vt
dicitur, ou autrement il ferra
mise a le common Ley Et si
les Ministers delay execution,
donques le plaintife auera vn
autre brieve dayer execution,
& *Sicut alias*, & vn *Pluries*,
&c. Vide *Littleton cap. Rents*,
Affise est nōsme equiuocum,
&c.

Affise de darreine presentment.

*Affise de darreine present-
ment.* Vide de ceo apres
titre *Quare impedit*.

Affise de Mortdancer.

Affise de Mortdancer. Vide
de ceo apres titulo *Coinage*.

Association.

Association est vn Patent mis
p le Roy, ou de son motion
demelne, ou al suit del partie
plaintife, al Iustices de Affise
pur auer autres psons associes
al eux de prender le Affise :
Et sur ceo patent de associati-
on, le Roy mandera son Brieve
as Iustices d'affise, eux com-
mandant per icel de eux ad-
mitter que sont issint mis.

Si le Roy fait trois Iustices
de affise, & puis l'un de ceux
deuie, ore le Roy poit faire
vn patent a vn autre d'associa-
tion, de associer luy a les
deux, en lieu de cestuy qui est

fin. But it behooueth that hee do
enter his plaint within fort
dayes, as it is said, or otherwize
he shall be sent to the Common
Law. And if the Officers dela-
y the execution, then the plaintif
shall haue another writ to haue
execution, and a *Sicut alias*, and
Pluries, &c. See *Lit. cap. Rents*
Affise is a word of two significa-
tions, &c.

Affise de darreine presentment.

Affise de darreine presentment
Looke thereof in the title *Qua-
re impedit*.

Affise de Mortdancer.

Affise de Mortdancer. Look
thereof in the title *Coinage*.

Association.

Association is a Patent sent by
the King, either of his owne
motion, or at the suit of the Par-
ty Plaintife, to the Iustices of
Affise, to haue other persons asso-
ciated to them to take the affise :
And vpon this patent of associa-
tion, the King will send his writ
to the Iustices of affise, by it
commanding them to admit them
that are so sent.

If the King makes three Ju-
stices of affise, and afterwards
one of them dyes, there the King
may make a patent to another of
association, to associate him to
the two, in place of him that is
dead.

dead, and a writ, which shall be close, directed to the two Justices that are alive, to admit him, F. N. B. 185,

mort, & vn Briefe, que sera close, direct a les deux Justices que sont en vie, de luy admettre. F. N. B. 185.

Affoile.

Affoile.

Affoile comes either from the latine, Absolvere, or from the french absoudre, and signifies to clear or discharge a man of an communication, and so it is used in Stamford, in his Pleas of the Crown the second booke the 18. cap. fo. 71. B.

Affoile venant ou del Latine, absolvere, ou le Francois absoudre, & signifie pur baile ou discharge aucun del excommunication, & issint est yle per Stamford, pleas del Coron. lib. 2. pag. 18. fo. 71. B.

Assumpfit.

Assumpfit.

Assumpfit is a voluntarie promise made by word, by which a man assumeth and taketh upon him to performe or pay any thing to another. This word containeth in it any verball promise made upon consideration, which the Civilians expresse by many words according to the nature of the promise; calling it sometime, Pactum, Promissionem, other times, Sponsionem, Pollicitationem, or Constitutum.

Assumpfit est vn voluntarie promise fait p parol, p que home assume ou prist sur luy a performer ou payer a scu chose al autre. Cest parol contene en ycel aucun verball promise fait sur consideration, que les Civilians expresse p plusieurs parols accordat al nature del promise; ceo appellant aucun foirs, Pactum, Promissionem, auter foirs, Sponsionem, Pollicitationem, ou Constitutum.

Attach.

Attach.

Attach is a taking or apprehending by command or writ, There are some differences betwene an arrest and an attachment, for an arrest proceedeth forth out of the inferior courts by Precept, and attachment out of the superior Courts by precept or writ, Lam. Eiren. lib. 1. c. 16. Also an arrest hath one

Attach est vn prifure ou apprehending p command ou Briefe. La sont ascus differences perenter vn arrest & vn attachement, car vn arrest procede hors del interieur courts per Precept, & attachement hors del superior courts p precept ou Briefe, Lam. Eiren. lib. 1. cap. 16. Auxy yn arrest gist

The Exposition of

solement sur le corps d'un hōe, ou vn Attachmēt est ascuit soits sur ses biens seulement, cōc Monsieur *Kit. fo. 279. b.* dit, que home poit attach vn vache, & en aures lieu, que home poit estre attach p̄ 100. bārbirs : Et il est ascuit soits a-gard sur le corps & biens ensemble al vn & mesme le tēps.

Attachment differt a vn *Capias*, car Monsieur *Kit. fo. 79. b.* ad ceux parols, Nota que en Court Baron home serra attach per biens, & ne iſſera *Capias* la : Per que il semble que attachment est pluis general, extendant al prisure des biens, ou *Capias* extende al prisure del corps seulement.

Auxy vn Attachment differt a vn distresse, & cco ap-piert per *Kit. fol. 78. a.* ou il dit, Proceſſe en Court Baron est Summons, Attachment, & Distresse, que sont Proces al Common Ley.

La est auxy vn Attachment de Priuilege, & cco est en deux manners, ou donāt poyer dapprehender vn home en vn lieu priuilege, ou p̄ vertue dūn Office & priuilege, come de appeller vn aures a cel court a q̄ il mesme est Attendāt, & en respect de quel il est priuilege, *Neuelliner Dentries, fol. 431. a.*

Et la est vn Proceſſe appel Foreine Attachment, que est vsē al attacher les Biens del Foreiners troue deins alcun Liberte ou Citie, pur vn det

bpon the body of a man, where a attachmēt is sometimes bpon th goods only, as *M. Kit. fol. 279. l.* saith, that a man may attach cohs, and in another case, th a man may be attached by an 100 sheep ; And it is sometimes a boarded bpon the body and goods together at one and the same time.

Attachment differeth from *Capias*, for *M. Kit. fo. 79. b.* hat these words, Note that in court Baron a man shall be attached by goods, and a *Capias* shall not goe out thence : Wh which it seemeth, that attachment is more generall, extending to the taking of goods, where *Capias* extends to the taking o the body onely.

Also an attachmēt differeth from a distresse, and this appeareth by *Kit. fol. 78. a.* where he saith, Proceſſe in court Baron, is Summons, Attachment, and Distresse, which are Proceſſe al the Common Law.

There is also an Attachment of Priuilege, and this is two fold either giuing power to apprehend a man in a place priuileged, or by vertue of an office or priuilege, as to call another to th court to which he himſelfe belongeth, and in respect of which he is priuileged, *New booke of Entries, fol. 431. a.*

And there is a Proceſſe called a foreine Attachment, which is vsē to attach the goods of foreiners found within any Liberte or city, for a debt due to the par-

in himselfe. And by the custome of some places, a man may attach goods in the hands of a stranger, as if A. oweth to B. 10. pounds, and C. oweth A. another summe of money, B. may attach the goods of A. in the hands of C. & satisfy himselfe in part or all, if the debt is.

Wherethere is attachment of the fact, which is a Court there to every forty dayes through the peate: In which the Sheriffs haue not any authority but to receive and intoll the attachment of offenders against the peace, taken by the Just Officers, that they may be presented at the next Justice in the County, as in *Manwood*, part. 1. pag. 93. cap. 22.

Attainder.

Attainder is a conviction of any person of a crime or fault whereof he was not convicted before: As if a man haue committed felony, Treason, or such like, and thereof is convicted, arraigned, and found guilty, and by iudgement, then he is said to be attainted: and this may be done two wayes, the one upon apparance, the other upon default: the attainder upon apparance is by confession, battell, or verdict: the attainder upon default is by default, untill he be convicted.

Attaine.

Attaine is a writ, and lath where false oerdicts is giuen

dur al partie mesme. Et pleur from dascus lieux, héc poir attaché Biehs en les maines d'un Estranger: Céc si A. deuoit al B. 10. liuers, & C. deuoit al A. une autre somme d'argent, B. poit attacher les biens de A. en les maines de C. a luy satisfaire ou en part, ou é tout, où le decret.

Auxy la est Attachement del Forest, q est vn Court la tenua chelcun 40. iours per tout le an. En q le Verderours nont aucune authority lorsque de recevoir & intoller les attachements del offendours encounter Vert & Venison prise per les autres Officiers, que ils soient estre present al prochaine Justice soit en Eyre, M. *Manwood*, part. 1. p. 93. cap. 22.

Attainder.

Attainder est vn conviction d'aucun person d'un crime ou fault, dont il ne fait conviction deuant: comme vn homme fait Felony, Treason, ou siels semblables, & de ceo est indict, arraigne, & found guilty, & ad iudgement, donques il est dit de se attaint, & ceo poert estre deux voyes, l'un sur apparance, le autre sur default: le attainder sur apparance, est par confession, battell, ou verdict: le attainder sur default est per processe tanque il soit vldge.

Attaint.

Attaint est vn briefe, & giff l'on faux Verdict est done

per douze homes, & iudgement done sur ceo, donques le partie vers que ils auoient pas, auera cest Brieue vers les douze homes, & quant ils sont a issue, il sera trie per vint quater iurors, & si faux verdict soit trouue, les douze iurors sont attraint, & donques le iudgement sera, Que leur prees seront eys, leur measons destruses, leur hoies subiertes, & tous leur terres & tenements forfeit al Roy: mes si passa encounter celuy que port cest attraint, il sera imprison, & grievousment ransome al volunt le Roy. Vide le Statute 23. Hen. 8. ca. 3. Attraint auxy est quant iudgement est done en Treason ou Felony.

by twelve men, & iudgement given thereon, that the party again whom they haue passed, shal haue a writ against the twelve men, and when they be at Iussit it shall be tried by 24. Iurors, and if the false verdict be found, the twelve men be attraint, and the the iudgement shall be, That their Widdows shall be eyed their houses broken downe, the woods turned by, and all the Lands and tenements forfeited to the King: but if it passe again him that brought that attraint, he shall be imprisoned, and grievously ransomed at the Kings will. See the Statute 23. Hen. 8. ca. 3. Attraint also is when iudgement is given in Treason or Felony.

Attendanc.

Attendanc.

Attendant est ou vn doyt vn duty ou seruice al autre, ou come il fuit depend sur autre: Come si la soyt Seignior, Mesne, & Tenant, le Tenant tient del mesne per un denier, le Mesne tient ouster per deux deniers; le mesne release al Tenant tout le droit que il ad en le terre, & le Tenant morust, sa feme sera endow del terre, & el sera attendant al heire del tierce pr. dun denier; & nemy del tierce pr. del deux deniers, car el sera endow del mieux possession de sa baron. Auxy ou le Feme est endow p. le gar-

Attendant is where one oweth duty or seruice to another, as it were dependeth vpon another: As if there be Lord, Mesne and Tenant, the Tenant holds the mesne by a penny, the mesne holdeth ouer by two pence, & Mesne releaseth to the Tenant all the right which he hath in the land, and the tenant dieth, & his wife shall be endowd of the land and she shall be attendant to the heire of the third part of 1. and not of the third part of 2. for she shal be endowd of the better possession of her Husband. And where the wife is endowd by the Guardian, she shall be attendanc

to the Guardian, and to the heir
at his full age.

dian, el ferra atendê al gar-
diã, & al heir a son plein age.

Attorney.

An Attorney, is one appointed by
another man to doe something
in his stead. And 29. West hath
defined him thus : Attornies bee
such persons, as by consent, com-
mandment, or request, take heed,
in to, and take upon them the
charge of the businesse of other
men in their absence, by whom
they are commanded or requi-
red.

And, where it seemes, that in
ancient time those of authority in
Courts have had it in their dis-
pote, when they would permit
men to appeare or sue by any
other than themselves, as ap-
peareth by F. N. B. 25. in the
word of Dedimus potestatem de
turnato faciendo, where it is
referred, that men were driven to
procure the writs or Letters Pa-
tents of the King, to appoint At-
turnies for them ; It is now
provided by diuers Statutes,
that it shall be lawfull so to doe,
without any such circuit. And
there is great diuersitie of writs
in the Table of the Register, by
which the King commands
his Judges to admit of Attur-
nies.

By which meanes, at last
there were so many unskillfull
Attornies, and so many mis-
chiefs by them, that an Act was,
4 H. 4. cap. 18. ordained for their
restraint, that the Iustices should

Attorney.

An Attorney, est vn designe per
auter home, a faire aucun
chose en son lieu : Et Mounsi-
eur West luy issint ad define :
Attornies sont tiels persons
que per consent, commande-
ment, ou request, caueât, vleront
al, & prendront sur eux le
charge de besoignes de auters
hōes en leur absence, p queux
ils sont command ou request.

Et, ou il semble, q en ancienne
temps ceux de authority en
Courts ont auer ceo en leur
arbitrement, ou ils voient p-
uister homes de apparear ou
suer p ascū auter que eux mes-
mes, come appiert per Fitz-
herbert Nat. Bre. 25 en le briefe
de Dedimus potestatem, de at-
turnato faciendo, ou il est mon-
stre, Que homes fuer' chasc a
procurer les Briefes ou Let-
ters Patēts del Roy al appoin-
ter Attornies par eux : il est
ore provide p diuers stat. q il
serra loyal lūint a faire sans as-
cū tiel circuit. Et la est grand
diuersitie de briefes en le table
del Register, per que le Roy
command ces Iudges al ad-
mitter de Attornies.

Per quel meanes al darrenie
la fueront cy plusors imperice
Attornies, & cy plusors mis-
chiefes p eux, que vn Act fut
4. H. 4. ca. 18. ordeigne par
leur restraint, que les Iustices

F a examineront

The Exposition of

examineront eux, & miteront hors le impernic. Et *An. 33. H. 6. cap. 7.* Que la ne serront mes vn certaine number de eux en Northfolke & Southfolke.

En queux cases home a cest iour poit auer vn Atturney, & en queux nemy, vies *F. N. B.* en le lieu deuant recire.

Atturney est ou generall ou speciall: Atturney generall est cestuy que est designe a toutes nostre affaires ou sults, cō le Atturney generall del Roy, Atturney generall del Duke, *Cromp. 105.* Atturney special ou particular, est cestuy q̄ est imploy en vn ou plusors choses particularmēt specifies. Atturneys generall sont faits deux voyes, ou p les Letrs Patēts del Roy faits deuāt luy ou l'chāc, ou p nostre appointmēt deuant Just. en Eyre en ouers Court. Vies *Glauu. li. 1. ca. 1. Brit. 126.*

Attournement.

Attournement est quauant vn est Tenant pur terme de vie, & cestuy en le reuerſion ou remainder granta son droyt ou estare a vn auē, donques il couient q̄ le Tenant p̄ terme de vie agree a ceo, & cest agree- mēt est appel Attournemēt, car si cestuy en le reuerſion granta son estare & sō droyt a vn auē, si le Tenant p̄ terme de vie ne attourne, riēns pas p le Grant.

Mes si soit granta per ſine en Court de Record, il sera compell de attourne. Et vide de ceo apres, titolo. *Quid*

examine them, and put out the unskillfull. And *Anno 33. H. 6. ca. 7.* That there should bee but a certaine number of them in Northfolke and Suffolke.

In what cases a man at this day may haue an Atturney, and in what not, see *F. N. B.* in the place before recited.

Atturney is either generall or speciall: Atturney generall is he that is appointed to all our affairs or suits, as the Atturney generall of the King, Atturney generall of the Duke, *Cromp. 105.* Atturney speciall or particular is he that is imployed in one or more things particularly specified. Attornies generall are made two wayes, either by the Kings Letters Patents made before him or the chancelor, or by our ſtore appointmēt, before Justices in Eyre in open Court. See *Glauu. l. 1. ca. 1. Brit. 126.*

Attournement.

Attournement is when one is Tenant for terme of life, and he in reuerſion or remainder grants his right or estate to another, then it behooueth the Tenant for terme of life to agree thereto, and this agreement is called an attournement, for if he in the reuerſion grant his estate and right to another, if the tenant for terme of life attorne not, nothing passeth by the grant.

But if it be granted by ſine in Court of Record, he shall be compelled to attorne. And looke theretof after, Title *Quid iuris* clamat.

dem. Look more of this Title.
in lib. 3. cap. 10.

iuris clamat Vide plus de
ceo, *Littler. lib. 3. cap. 10.*

Audita querela.

Audisa querela.

Audita querela is a writ, & it lieth
where one is bound in a Stat.
Merchant, Stat. Staple, or Re-
cognisance, or others iudgement in
case against him for Debt, and
is body in execution thereupon,
then if he have a Release, or o-
ther matter sufficient to be dis-
charged of execution, but hath
no day in Court there to plead it,
then he shall have this writ a-
gainst him which hath recou-
red, or against his Executors.

Audita querela, est vn
Briefe, & gift lou vn est ob-
lige en vn Estatute Merchant,
Estatute Staple, ou Recogni-
sans, ou lou iudgesut est done
vers luy pur dette, & son corps
en execution sur ceo, donques
sil ad vn Release, ou auſ suffici-
ent matter destre discharge del
Executiō, mes nad iour ē court
à ceo pleader, dōques il auera
cest briefe vers cestuy q̄ ad re-
couer, ou vers ses Executors.

Awine.

Awine.

Awine or *Aulne* is a beffell that
containes forty gallons of
Rish wine, and it is mentio-
ned in the Statute made 1. Jac.
cap. 33.

Awine ou *Aulne* est vn ves-
sell que containe quarante
Broces de vine Reinish, & est
mention en lestatute fait 1.
Jac. cap. 33.

Auerment.

Auerment.

Auerment is where a man plea-
beth a plea in abatement of the
writ, or barre of the Action,
which he saith he is ready to
proue as the Court shall award.
This offer to prooue his plea,
is called an *Auerment*.

Auerment est lou vn home
plead vn plea en abatement
del briefe, ou barf d'actiō,
que il dist est prist de prouer
come le court voit agard. Cest
offer de prouer son plea, est
appel vn *Auerment*.

Auerage.

Auerage.

Auerage is that seruice which
the tenant owes his Lord, to
be done by the beasts of the te-
nant, and it stoness to be serued

Auerage est le seruice que le
tenant doit a son S̄r d'œ
fait per les auers le tenant, &
semble destre deriue del paroll
F 3 (averia)

The Exposition of

(*Aueria*) pur ceo que est le service. que les auers le tenant pforme p le Seignior p cariage ou autrement. Auxy e' paroll ad vn auter signification, & est mult vse en l'estatute 32. H. 8. cap. 14. pur vn certaine contribution, que Merchants & auters payont proportionalmēt pur les pdes d'eux q'ont leur biens ciect's en vn tempest p le safeguard del neise, ou des biens & vives d'eux que sont en le neise.

from the word (*Aueria*) because it is the service which the tenants beasts performe for the Lord by carriage or otherwise : This word also hath an other signification, and is much vled in the Statute 32. H. 8. cap. 14. for a certaine contribution; which Merchants and other pay proportionably towards their losses, that haue their goods cast out in a tempest for the sauing of the ship or of the goods or liues of them that are in the ship.

Auerpenny.

Auerpenny, hoc est, quietum esse de diuersis denariis pro aueragijs Domini Regis.

Auerpenny.

Auerpenny, that is, to be quit of diuers summes of money for the Kings arrerages.

Augmentation.

Augmentation fuit le nomme d'un Court erect en le vint sept anne del Roy Henry le huit. Et le cause de ceo fuit, q' le Roy puit estre voyermt vse touchāt les profits de tiels religious meafons & leur Terres, q' faeront done a luy p Act de Parliament, mesme l'an mient imprimee. Pur le dissoluing de quel Court, la fuit vn Act fait en le Parliament, tenus en le primer anne del Reygne del Roigne *Mar. Sess. 2. ca. 10.* que el puis mis en execution p la Letters Patents. Le nomme del Court surde de ceo, Que les reuenues del Corone fueront tāt augment p le suppression des dit Meafons, quant le

Augmentation.

Augmentation was the name of a Court erected in the 17. year of King Henry the eighth. And the cause thereof was, that the King might be fully vled touching the profits of such religious houses, and their Lands, as were giuen unto him by Act of Parliament the same yeare, not printed. For the dissoluing of which Court, there was an Act made in the Parliament, held in the 1. year of the reigne of *Q. Marie Sess. 2. cap. 10.* which she afterward put in execution by her Letters Patents. The name of the Court ariseth from this that the reuenues of the Crowne were so much augmented by the suppression of the said houses, as the

the King returned to the Crown,
and neither gave nor sold to
others. But the office of Aug-
mentation remains to this day,
wherein there are many Records
of great use and importance.

Aumone.

Aumone or Tenure in aumone, is
tenure by divine service, for
lives Briton. fo. 164. Tenure in
aumone, is Land or tenements,
which is given for alms, where-
of some service is reserved to the
lord or donor.

Ancient demesne.

Ancient Demesne are certain
Tenures holden of those
Manors that were in the
hands of Saint Edward the
Confessor, and the which hee
made to be written in a Booke
called Doomes-day, sub titulo
Regis, and all the Lands hol-
den of the said Manors, hee
ancient demesne, and the tenants
shall not be impleaded out of the
said Manors, and if they be, they
may shew the matter, and shew
the writ; but if they answer to
the writ, and judgment be
given, then the Lands become
frank-fee for ever. Also the
Tenants in ancient Demesne
be free of toll for all things
concerning their sustenance and
husbandry in ancient Demesne,
and for such Lands they
shall not be put or empane-
lled upon any Enquest, But

Roy reserveal Corone, & ne-
est done ou vend al aufs. Mes
le Office de Augmentation re-
maine a cest iour, en quelz
sont plusieurs Records de grãd
use & importance.

Aumone.

Aumone ou Tenure en aumo-
ne, est tenure p divine ser-
vice, car il luy Brit. dit fo. 164.
Tenure en Aumone, est terre ou
tenement que est done a au-
mone, dont ascũ service est re-
servẽ al feoffor ou donor.

Ancient demesne.

Ancient demesne sont certain
Tenures tenus de ceux
Mannours queux fueront en
maines de Saint Edward le
Confessour, & les queux il fist
escrire en un Livre appel-
le Doomes-day, sub titulo Regis, &
tous les Terres tenus del dit
Mannours, sont Ancient De-
mesne, & les Tenants ne ser-
ront impleade hors del dit Man-
nours, & s'ils soyent, ils poyent
monstre le Mat, & abatera le
Briefe: mes s'ils respondrent al
Briefe, & plead, & judgement
done, donques les Terres sont
devenus Frank-fee a tous
jours. Auxy tous Tenants en an-
cient Demesne sont franke de
toll pur toutes choses concer-
nant leur viad & Husbandrie en
ancient Demesne, & pur tiels
Terres ils ne ser-ront mis ne em-
panel sur aucun Enquest. Mes
tous

rouelles Tur' en ancienr Do-
mesme queux s'ot en maines le
Roy, sons frank-fee, & pleada-
ble all Common Ley. Voies
plus apres en le Title *Sokmar*.

all the Lands in ancient Do-
mesne that are in the Kings
hands, be frank-fee, and pleada-
ble at the Common Law. See
more after in the Title *Sokmans*.

Avoir de pois.

Avoir de pois, est tantadire
come, veri sive iusti ponde-
ris: Et signifie en nre ley deux
ehoses, primerment vn kinde de
pois different de eco que est
appell Troy weight, que nad
forsque 12. ounces al liuer, lou
le Avoir de pois contiens 16.
Et secondment signifie tiell
marchandizes, qux sont poises
p c'weight, & néy p Troy
weight. Come est a veier en
lestatute de Yorke 9. E. 3. &
27. E. 3. Stat. 3. cap. 10. Et lesta-
ture de Gloster 2. R. 2. cap. 1.

Avoir de pois.

Avoir de pois, is as much as to
say, true or iust weight: And
it signifies in our Law two
things, first a kind of weight
diuers from that that is calld
Troy weight, which hath but
12. ounces to the pound, whery
the Avoir de pois hath 16. And
secondly it signifies such Mer-
chandizes, as are weighed by
this weight, and not by Troy
weight. As it is to see in the
Statute of Yorke 9. E. 3. & 27.
E. 3. cap. 10. Stat. 3. And the
Statute of Gloster 2. R. 2. cap. 1.

Auncell weight.

Auncell weight fuit vn ancie
maner de poiser en An-
gloettere, p le pender des ba-
lances ou hookes al chescun
finedun baston, le quel le par-
ry eleuete sur son digit, ou ove
la maine, & ainsi discerne le
equality & difference des
ehoses q fucront poises. Mes c'
weight esteant subiect al mult
decoit, diuers Statutes fucront
faits que ceo ouster, come
lestatut 25. E. 3. ca. 9. & 34.
E. 3. cap. 9. & 8. H. 6. cap. 9.
& auers. Et fuit appel Aun-
cell weight, quasi Hand-sale
weight.

Auncell weight.

Auncell weight was an ancient
manner of weighing in Eng-
land, by the hanging of Bal-
ances or hookes at each end of
a staffe, the which the parry
lifted up upon his finger, or with
his hand, and so discerned the
equality or difference of the
things that were weighed. But
this weight being subiect to much
deceit, many Statutes were
made to ouer it, as the Statutes
of 25. E. 3. cap. 9. & 34. E. 3. cap.
9. & 8. H. 6. cap. 9. and others.
And it was called Auncell
weight, as much as to say Hand-
sale weight.

Auowrie.

Auowrie is wher one taketh a distress for Rent or other thing, and the other such Replew, then he that hath taken it will iustifie in his Plea, for the cause he took it; and if he will it in his owne right, hee will to them that, and so anow taking, and that is called his *auowrie*: but if he took it in against the right of another, then can he hath shewed the cause, it shall make Comufance of the thing, as Bayliffe or servant: him in whose right he did do it.

Auowrie.

Auowrie est leu vñ prist distresse pur Rent ou autre chose, & l'auter sua Replew, donques ecluy que auoit ceo prisse, iustificera en son Plea, pur quel cause il prist ceo, & si il prist ceo en son droit de mefme, il doit ceo monftr', & ainsi auow a le prisel, & ceo est appell son *Auowrie*. Mais si ceo pristen ou pur le droit de vn autre, donquesquans il auoit monftré le cause, il fera Comufance del prisel, come Bayliffe ou seruant a ecluy en que droit il prist ceo.

B

Badger.

Badger is as much as to say, *Bagger*, of the fresh word, *bagage*, id est, *sarcina*: and it is so with us for one that is licensed to buy Corn or other victuals in one place, & carry them to another, and such a one is exempted in the Statute made in the 6. yeare of E. 6. cap. 14. from the punishment of an Ingrosser when that Statute.

B

Badger.

Badger est tant adire che *Bagger*, d'i François parol, *Bagage*, id est, *Sarcina*: Et est vic ou nous pur vn que est licence de acheter Cornes ou autres victuals en vn lieu, & de eux transporter al autre, & del hoire est exempté en le Statute fait Anno 5. & 6. E. 6. cap. 14. del punishment d'un Ingrossier deins ceo Statute.

Baile.

Baile is when a man is taken or arrested for felony, suspect of felony, indicted of felony,

Baile.

Baile est qu'il vn hoie est prist ou arresté pur Felony, suspecti- on de Felony, indicté de Felony,

The Exposition of

ny, ou ascū tiel case, issint que il est restrainé de son liberte. Et esteant p le Ley baylable, offera surety al euz que ont auctorite de luy bailer, queux Sureties sont obligé pur luy al vs lo Roy, en certaine sum d'argent, ou corps pur corps, q il appiera deuant les Iustices de Gaole deliuey al prochain Sessions, &c. Donques sur les bonds de ceux sureties, (come est auant dit) il est baile, cest a dire, mis al liberty tanque le iour appointé son apparace.

Mounseigneur *Maxwood* en le primer part de son *Forest Ley*, pa. 167. fait vn grand difference perent Bayle & Mainprise, en ceux pils : Et nota, q la est vn grand diuersite perenter Baile & Mainprise, car cest q est Mainprise, est tous foits dit destre a large & daler a son liberty demesne hors de gard, puis q il est mis al mainprise ielsq; le iour de s'apparance, p reason de comon summons ou autermt. Mes nest issint ou hōc est mis al baile per quat hōes, p le Seignior chiefe Iustice en Eyre del Forest, ielsque vn certaine iour : Car la il est tous foirs accout p le ley destre en lour gard & custodie pur le temps : & ils poient s'il voilont, tener luy en gard ou en prison, au c' temps ou autermt a lour volunt; Mais q il que est baile, ne serra dit per le ley destre a large ou a son liberty demesne.

or any such case, so that he is restrained of his liberty. And being by Law baileable, offereth surety to those which haue authority to baile him, which Sureties are bound for him to the King vntill a certaine summe of money, or body for body, that he shall appeare before the Justice of Gaole-delivery, at the next Sessions, &c. Then upon the Bonds of these Sureties, as is aforesaid, he is bailed, that is to say, set at liberty, vntill the day appointed for his apparance.

Master Manwood part. 1 of his *Forest Law*, pa. 167 maketh a great difference between Baile & Mainprise, in these words. And note that there is a great diuersity between Baile and Mainprise for he that is Mainprise is alwayes said to be at large and to goe at his owne liberty out of ward, after he is put to Mainprise vntill the day of his apparance, by reason of common Summons, or otherwise. But it is not so where a man is put to Bayle by four or two men by the Lord chiefe Justice & Chiefe of the Forest vntill a certaine day : for there hee is alwayes accounted by the Law to bee in their ward and custody for the time : and they may if they will, hold him in ward or in prison, till that time, or otherwise at their will : so that he that is bayled, shall not be said by the Law to be at large or at his owne liberty.

Bailment.

Bailment.

Bailment is a delivery of things, whether it be of things, goods, or stuffe to another, sometimes to be delivered back to the baylor, that is to say, to him that so delivered it, sometimes to the use of the Bailor, that is to say, of him to whom it is delivered, and sometimes also it is delivered to a third person, this delivery is called a Bailment.

Bailment est vn delivery de choses, soient ils de escriptes, biens, ou stuffe al autre, alcun foies desire redeliuer arriere al baylor, cest adire, al celuy que assint deliuer eeo, alcun foies al vse del bailor, cest adire, de luy a que il est deliuer, & alcun foies auy il est deliuer a vn tierce person, cest adeliuerie est apelé vn Bailment.

Baylife.

Baylife.

Baylife is an Officer that belongs to a Manor, to order the Husbandrie, and hath authority to pay quit Rents issuing out of the Manor, sell trees, repair houses, make pales, hedges, distraine beasts doing hurt upon the ground, and divers such like. This officers name hath been the ancient Saxons called a Bæne, for the same Baylife was not then knowne amongst them, but came in with the Normans, and is called in Latine Villicus.

Baylife est vn Officier que appartient a vn Manor, par order le Husbandrie, & ad authoriey de payer quit Rents issuant hors del Manor, sceill des arbres, repaier les maisons, faire pales, haies, distraire auers damage faisant sur la terre, & diuers tiels semblables. Cest Officier est celuy que les anciens Saxons ont appelle Bæne, car le nostre Baylife n'est fait deques comme il eut, mes videntia ou les Normays, & est appelle en Latine Villicus.

And there are two other sorts of Bailiffs, that is to say, Bachelors, Clerks, and Bayliffs of franchises. Bayliffs Clerks are those that the Sheriffe maketh and appointeth to goe about the County to execute writs, to summon the countie, Sessions, assises, and such like. Bayliffs of franchises, are those that are ap-

Et la sont deux autres sorts de Bayliffs, cest adire, Bayliffs clerks & Bayliffs de Franchises: Bayliffs Clerks sont ils qui le Viceroy fait & designe aller en tout le Countie a executer Briefes, a summoner le Countie, Sessions, Assises, & tiels semblables. Bayliffs de Franchises sont tiels que sont designe

The Exposition of

designer per chescun Seignior deins son liberty a faire tiels Offices deins s^{on} Precincts, q^{ue} le Baylife errant fait a large in le Country. Cest Baylife distraint par amercement assesse eales Courts tenus deins le Mannor de q^{ue} il est Baylife. Mes si tiel Court est per prescription desre tenu deins vn mois apres vn feast, & le seneschall tient ceo apres le mois, & en ceo court assesse vn fine ou amercement, & l' bailife distrein' pur ceo; le p^{re}cy q^{ue} est issint distrein' puit auer vn action d' trespass vers le bailife.

Backberind theefe.

Backberind theefe est vn laron q^{ue} est pris ou le man, en balire, aiant ceo trouue sur luy (estant pursue ou le hue & cry) le quel il ademblee, soit il money, linen, woollen, ou autre stufte; mes il est plus propre dit, quant il est pris portant tiels choses que il ademblee en vn bundel ou fardel sur son dorso.

Monsieur *Manwood* en le second part de son *Forest ley*, ceo note pur vn des quas circonstances ou cases, en que vn Forester poit arrest le corps de ascu offender encois Vert ou Venison en l' Forest, queux sont Dog-draw, Stable-hand, Backberind, & Bloody hand.

Bankrupt.

Bankrupt, p^{ar} le statute 1. Jac. Reg. 17. est ainsi describe;

pointed by enery Lord within his liberty to doe such Offices w^{ithin} in his Precincts, as the Baylife errant doth haue in the County. This Baylife distrainteth for amercements in Courts held within the Mannor of which hee is Baylife. But if such Court is by prescription to be held within one moneth after a feast, and the Sherward holds it after the moneth, and in this Court assesseth a fine or amercement, and the Baylife distrainteth for it, the party that is so distrainted, may haue an action of Trespasse against the Baylife.

Backberind theefe.

Backberind theefe is a theefe that is taken w^{ith} the maner, that is to say, having that found upon him (being followed w^{ith} the hue and cry) which hee hath stolen, whether the money, linen, woollen, or other stufte; but it is most properly said, when he is taken carrying those things that he hath stolen in a bundell or fardell upon his back.

M^{aster} Manwood in the second part of his *Forest Law*, noteth this for one of the circumstances or cases, in which a Forester may arrest the body of any offender against H^{is} Majesty in the Forest; which are Dog-draw, Stable hand, Backberind, and Bloody hand.

Bankrupt.

Bankrupt, by the statute 1. Jac. Reg. 17. is thus described;

all and entyre such person and
persons, biling, or that shall use
the trade of merchandise, by way
of bargaining, exchange, bar-
ter, cheuifance, or otherwise in
groce, or by seeking his, her, or
their trade of living, by buying
and selling, and being a subiect
borne of this Realme, or any the
kinges dominions, or denizen,
which at any time within the
first day of this present parlia-
ment, or at any time hereafter,
shall depart the Realme, or be-
gin to kepe his or her house, or
landes, or otherwise to absent
him or her selfe, or take sanctu-
ary, or suffer him or her selfe
willingly to be arrested for any
thing or other thing not growne or
due for money delivered, wote
that, or any other iust or iustfull
cause, or good considerations or
purposes, or hath or will suffer
him or her selfe to be outlawed, or
send him or her selfe to prison,
or willingly or fraudulently hath
or shall procure him or her selfe
to be arrested, or his or her
goods, money or chattels to be
attached or sequestred, or depart
from his or her dwelling house,
or make or cause to be made any
fraudulent grant or conveyance of
his, her, or their lands, ten-
ements, goods, or chattels, to
the intent, or whereby his, her,
or their creditors being subiects
borne, as aforesaid, shall or
may be defrauded or delayed for
the recovery of their iust and true
debt: or being arrested for debt,
shall after his or her arrest, thin

tours & chescū tel pson & p-
sons, vifant, ou q̄ viferoit le trade
de merchandise, p voye dex-
change, bartrite, cheuifance,
ou auterment en groce, ou per
queront son, sa, ou leur trade
de viuer, p empris ou vedaiz,
& esteāt vn subiect nee de cest
Realm, ou ascū des dominions
del Roy, ou denizen, q̄ al as-
cū tēps extra le primer iour de
cest p̄sēt plaiēt, ou al ascū tēps
en apres, departera le Roiaū
ou cōmence a recouier son ou
sa meūse, ou menso, ou auter-
ment de absenter luy ou sa me-
me, ou prendra sanctuarie, ou
suffer luy ou sa meūse volun-
tariēt destre arrest p ascū debt
ou auter chose nient creissant
ou due pur argēt deliuer, wres
vend, ou ascū aut iust ou loyal
cause ou bon considerac̄ ou
purposes, ou ad ou voyle suffer
luy ou sa m̄ destre vilage, ou
dō luy ou sa m̄ al prisō, ou vo-
lūtarimēt ou fraudulētimēt, ou
pcurera luy ou sa m̄ destre at-
rest, ou ses, ou sa biens, argēt,
ou chattels destre attach ou
sequeſtre, ou departera de sō,
ou sa meūson inhabite, ou fatera,
ou causera destre fait ascū
fraudulent grant ou conveyance
de sō, sa, ou leur tēts tenements,
biens, ou chattels, al entēte
ou p q̄ sō, sa, ou leur creditors
esteant subiects nee, cōme munt
dit, serra ou poir estre defraudē
ou delay pur le recouery de
leur iust & voyer der ou este-
ant arrest p der, aps son, ou sa
arrest, gēra in prison sō
moys

The Exposition of

moys ou pl^{us} sur cē arrest, ou
asciūant arrest ou detence en
prisō p^{er} det. & gisera en prison
six moys sur tiel arrest ou de-
tention, sera account & ad-
iudge vn Bankrupt a chescun
intents & purposes.

prison six moneths or more
vpon that arrest or detention
in prison for debt, and shall
lie in prison six moneths vpon
such arrest or detention, shall
be accounted & adjudged a Bank-
rupt to all intents and purposes.

Banneret.

Banneret est vn chiualler fait
en le campe ou le ceremo-
ny, del amputer le point de son
standard, & fealant ceo sicōe
vn Banner. Et tiels sōt allowes
pur display leur Armes en vn
Banner en le army le Roy
come Barons font. Et que tiels
sōt prochains as Barons en
dignitie appiert p^{er} le Statute
fait en le 5. an. de R. 2. Stat. 2.
cap. 4. p^{er} quel Statute semble
que tiels Bannerets. fueront
ancientment appels per sum-
mons al Parliament.

Banneret.

Banneret is a knight made in
the field, with the ceremony
of cutting off the point of his stan-
dard, and making it as it were
a Banner. And such are allowed
to display their armes in a Ban-
ner in the Kings army, as Ba-
rons doe: And that such ar
next vnto Barons in dignitie
appeares by the Statute mad
in the 5. yeare of R. 2. stat. 2. cap
4. by which Statute it seeme
that such Bannerets were anci-
ently cald by Summons to th
Court of Parliament.

Bannum.

Bannus sive **Bannum**, est vn
pol trequēt & ordinary enē
les Feudists, & signifie vn p^{ro}-
clamatiō, ou ascū publique no-
tice done d'aucun chose. *Bract.*
lib 3. tract. 2. cap. 21. fait menti-
on de *Banno regis* p^{er} vn p^{ro}-
clamatō, ou silence fait p^{er} le crier
deuant le cōgrosse des Cham-
piōs en vn combat. Mes nous
vſomus cest paroll Bans prin-
cipalement pur le publication
des contrāts Matrimoniall en
leglise deuant mariage, & le
parol Anglois (Banning) sem-
ble de veuer de ceo que est

Bans.

Bans is a word common an
ordinary amongst the Feu-
dists, and signifies a proclamati-
on, or any publike notice that is
giuen of any thing. *Bracton lib*
3. tract. 2. cap. 21. makes mentio
of *Bannus Regis* for a proclama-
tion, or silence made by the cry
before the meeting of the Cham-
pions in a Combat. But wh
thē this word Bans especiall
for the publication of Marri-
mal contrāts in the Church
before Marriage: and the Eng-
lish word Banning, seemes
come from hence which is a
exclamatiō

exclamation of another.

an exclamation den auer.

Bargaine and sale.

Bargaine & sale.

Bargaine and sale. is when a recompence is given by both the parties to the bargaine: as if one bargain & sell his land to another for money, here the land is a recompence to him for the money, and the money is a recompence to the other for the land; and this is a good contract and bargaine. And by such a bargaine and sale, lands may passe without livery of seisin, if the bargain and sale bee by deed indented sealed and inrolled; either in the county where the land lieth, or in one of the Kings Courts of Record at Westminister within six months next after the date of the same writing indented, according to the Statute in that behalf made in the 27. yeare of H. 8. cap. 16.

Bargaine & sale, est quant vn recompence est done p ambideux les parties al bargaine: come si vn bargaine & vend son terroial auer pur argent, icy le terre est vn recompence a luy pur le argent, & le argent est vn recompence al auer pur le terre, & ceo est vn bone contract & bargaine. Et p tuel bargaine & sale, terres poient passe sans livery de seisin, si le bargaine & sale soit p fait indent, seale & inrolle, ou en le Countie ou le terre gift, ou en vn des Courts del Roy de Record al Westminister, deins six moyses prochain apres le date de mesme le escript indent, &c. accordant al Statute en ceo case fait en le 27. anno de H. 8. cap. 16.

Barre.

Barre.

Barre, is when the defendant in any action pleadeth a plea which is a sufficient answer, and that destroyeth the action of the plaintife for ever.

And it may be diuided into barre to common intendment, and barre speciall. Barre to common intendment is an ordinary or generall barre, which commonly disableth the declaration or plea of the plaintife: Barre speciall, is that which is more than ordinary, and falleth out in

Barre, est quant le defendar en ascun Action plede vn plee que est vn sufficient response, & ceo adnullie action del plaintife a tous iours.

Et ceo poit estre diuide en barre al common intendment, & barre speciall. Barre al common intendment, est ou ordinary ou generall barre, q communement disable le count ou plea del plaintif: Barre speciall est ceo, que est plus que ordinary, & happa en le

The Exposition of

case en question sur aucun special circumstance del fact: Come vn Executor estant sue pur le det de son Testator, plede, Que il ad riens en ses maines al iour quant le Briefe fuit purchase, ceo est vn bonc bar al Common intendment, ou *prima facie*, mes vncore le case peut estre tel, q plusors biens poyent veni a ses maines puis cel temps, que si le plaintif peut monstre p voy de replication, doque sinon q le Defendanz ad vn plus special plea ou bar a alledge, il est destre condempne en le Action. Veies *Flow. fo. 26. 28.* Et un meisme le sens le bar est auxy diuide e bar materiall ou speciall, & bar a large, *Kj. fo. 68.*

Barre est auxy en regard del effect diuide en barre perpetuall, & barre temporary; perpetuall est ceo que quash l'action a tous iours; temporary est ceo que est bone pur le present, & puit apres failer, come, *plene administravit* est bone barre ielsue puit appaier que plusors biens vient puis a maines des Executors: que auxy tient pur le heire, que en vn acc^e de son ancessors det, plede riens pur discent. *Wals. Brook. tit. Barre, nu. 23.*

Barre fee.

Barre fee est vn fee de vint deniers q chescun prisonier q est acquite de felony paie a l

the case in question, upon some special circumstance of the fact: As an Executor being sued for the debt of his Testator, pleadeth, that he hath nothing in his hands at the day of the writ purchased, this is a good barre to common intendment, or at first sight, but yett the case may be such, that more Goods may come to his hands after that time, which if the Plaintiff can shew by way of Replication, then except the Defendant hath a more speciall Plea or barre to allege, hee is to be condemned in the Action. See *Flow. fol. 26. 28.* And in the same sense Barre is also diuided into Barre materiall or speciall, and barre at large, *Kj. fol. 68.*

Barre is also in regard to the effect diuided into Barre perpetuall and barre temporary: perpetuall is that which ouerthroweth the action for ever: Temporary is that which is good for the present, and may afterwards faile, as, fully administered is a good barre, until it may appeare after, that more goods came afterward to the hands of the Executors: which also holdeth for the heire, that in an action of his ancessors debt, pleadeth nothing by discent. See *Brook. tit. Barre, num. 23.*

Barre fee.

Barre fee is a fee of twenty pence, which euery prisoner acquitted of felony payes to the

Stat. 1. and see of that 21. H. 7.
16. h.

viscount ou Goler : & de ces
v. 21. H. 7. 16. 6.

Barter.

Barter seems to come of the
french word Barater, which
signifies to circumvent, and this
word is used with us for the ex-
change of wares for wares, and
is mentioned in the Statutes
1. R. 3. cap. 9. & 13. Eliz. cap. 7.

Barter.

Barter semble de venir del
Francois parol Barater, cir-
cumvenire, & cest parolle est
vse oue nous pur le eschange
des wares pur wares, & est me-
tion en testamtes 1. R. 3. cap. 9.
& 13. Eliz. cap. 7.

Barretor.

Barretor is a common moover
and stirrer up of maintainer of
bouts, quarrels, or parts, ei-
ther in Courts or in Country :
In Courts of Record, and in
the Countie, Bench, and other
inferiour Courts : In country,
in three manners; first, in distur-
bance of the Peace; secondly, in
taking or detaining of the posses-
sions of houses, lands, or goods,
that are in question or contro-
versie, not onely by force, but al-
so by subtiltie and deceit, and
more usually in suppression of
truth and right; Thirdly, by
false inventing and sowing of ca-
lumnies, rumors, and reports,
making discord and disquiet to
ne betweene his neighbors. See
more of this, Co. lib. 8. fo. 36. 37.

Barretor.

Barretor est un common mo-
uer & extor, ou mainte-
ner de suits, quarels, ou parts,
ou en Courts, ou en pays : En
cours de Record, & en le cou-
tie, hundred, & autres inferiour
Courts : En pays en trois ma-
niers; premierment, en disturbance
del peace; secondment, en prise
ou detainer des possessions des
maisons, Terr, ou biens, &c. q
sont en question ou controuersie,
non seulement p force, mes auxy
p subtiltie & deceit, & plus
soit en suppression de verity &
droit; Tiercement, p faux in-
vention & sowing de calumia-
on, rumors, & reports, pont dis-
cord & disquiet surd int ses
Vicines. Veies plus de cec,
Cok. li. 8. fo. 36. 37.

Base Fee.

To hold in Fee Base, is to hold
at the will of the Lord. And
base fee is also where any hath
an estate in Land, so long as an

Base Fee.

Tener en fee Base, est a tener
a volent le Seigneur. Et un
base fee est auxy lou ascen ad
estate en terr p qy longe temps.

come auterañz heires de son
corps, de quel estare p. *Pl.*
en *Walsinghams Case* fo. 557. a.

other shall have better of his by
by, of which estate see *Pl.*
Walsinghams Case fo. 557. a.

Bastard.

Bastard est celuy que est nee
de aucun Feme nient
esponse, issint que son pere
nest conus per le order del
Ley, & p ceo il est dit Filius
populi.

Mes per la ley del Romish
Esglise, si vn ingendre vn en-
fant sur aucun Feme, quel en-
fant est nee hors al espousels,
& puis il spouse mesme la Fe-
me, donques tiel Enfant serra
dit *Mulier*, & nemy bastard.

Mes per la Ley D'Engleterre
il est Bastard, & pur cest cause
quant tiel especial Bastardis
est allege, il serra trie per le
pais, & nemy per L'euesque.
Mes generalment Bastardis al-
lege serra trie per le Certifi-
cate del' Euesque.

Et si vn Feme soit grosse de
Enfant per son Baron, que
mourust, & el prist auter Baron,
& apres le enfant est nee, cest
Enfant serra dit le Enfant le
primer Baron. Mes si el fuit
priement enseint al temps
del mort sa primer baron,
donques il serra dit le Enfant
desecond Baron. Sed queie
& veies le opinion de *Thorpe*,
21. E. 3. 39.

Auxy si vn home prent feme
q soit grossement enseint p al-
cun auter que ne fuit sa baron,
& apres l'enfant est nee deins

Bastard.

Bastard is he that is bozne
any woman not married, &
that his father is not knowne by
the order of the Law, and there-
fore hee is called the Child of the
People.

But by the Law of the Ro-
mish Church, if one get a Child
upon a woman, which Childe is
borne out of wedlock, and after
hee marry the same woman, the
such child shall be said *Mulier*, and
not bastard.

But by the Law of England
he is a bastard, and for that cause
when such speciall bastardy is
alleged, it shall be tried by the
Country, and not by the Bi-
shop. But generally Bastard
alleged shall be tried by the Cer-
tificate of the Bishop.

And if a woman be great with
child by her husband, who dieth
and she taketh another husband
and after the Child is borne, the
Child shall be said the child of the
first husband. But if she mar-
ry with child at the time of
the death of her first husband
then it shall be said the child of
the second husband. But enquir-
further, and see the opinion of
Thorpe, 21. E. 3. 39.

Also if a man take a wife
which is great with child by a
other which was not her hus-
band, and after the child is borne
with

within the espousals, then is shall be said the child of the husband, though it were borne but one day after the espousals solemnized.

les espousals, doncques il sera dit l'enfant le baron, mesme il fuit nec forsque vn iour apres les espousals solemnise.

Baston.

Baston.

Baston is a French word, and signifies a staffe, but in our lawes it is taken for one of the harden of the piers men; he attends the Kings Courts with a painted staffe, for the taking of such to wards as are returned by the Court, and for the sending upon such prisoners as are at large by licence. And so it is used in the Statutes 1. R. 2. c. 12. & 5. Eliz. cap. 25.

Baston est vn parole François, & signifie baculum, mesme nostre Statutes est prise pur vn des hardens del Gardien le Picot q attend les Cours le Roy ou vn colorez baston pur le preder d'un al grand q sont commises p le Court, & p le attendre sur aux q choses psoniers & pmisses d'aler a large par licence. Et ainsi est vic en estatutes 1. R. 2. cap. 12. & 5. Eliz. cap. 25.

Battaille.

Bataille.

Battaille is an ancient trial in our law, whereby the Defendant in appeals of murder, robbery, or felony, waives chace, that is to say, to fight with the Appellant, for proof whether he be culpable of the felony or not. Which combat if it fall out to fall on the party of the Defendant, that he hath battaill with the Appellant, he shall goe quit and have none of his appeals for ever. But if he be judged of felony, and his appeal is brought upon the same Indictment; there the Defendant shall fight longer batailles. Battaille also may be in a writ of Right, as in Parsonage Case, Dyer 301. pl. 42. 43. where the champions were chosen, and the

Battaille est vn ancien trial de nostre Loy, q le defendeur en vn appelle de murder, Robbery, ou felony, peut eslier, cost assaucher, a combattre avec l'appellant, pur prouuer si soit culpable del felony ou non; quel combat si l'accord est par despart le Defendant, que il vainquist l'appellant, il sera quit, & luy baccera de son appelle a tous iours. Mes si vn fait Indict de felony, & en appelle, est poursuy mesme la Indictment, la le Defendant ne gagera la Battaille. Battaille auxy peut estre en vn writ de Droyt, come est en Parsonage case, Dyer 301. pl. 42. 43. ou les champions sont eslies, & la bataille agard, & les

The Exposition of

champions fueront per Main-
prise & iures de performer le
battel al Tothil en Westmin.
mes per default d'appearance
en le Dât, riens fult fait en
cco.

champions were by sureties an
oath to performe the battell at
Totehill in Westminster, but by
default of appearance in the de-
mandant nothing was don
therein.

Batterie.

Batterie, est vn act que tende
al breache del peace & quiet
gouernement del Royalne ; si-
come quant vn home assault &
batter vn autre, ceo est encoû-
rer le Ley & peace del Roy-
alne, le quel ordeigne, Que
nul hœc serra son iudge de-
mesne, ou reuenger de son pri-
uate tort, mes ceo lay serra al cen-
sure del Ley, que est tous foits
prist de oyer & redresser les
droyturall & voire quarrels de
chescun home. Pur que cestuy
que eskisint assault poitou en-
diter l'auter partie, que sur ceo
serra fine al Roy, ou auer son
Action de Trespasse de Assault
& battery vers luy, (car chescun
battery implic vn Assault) &
recouer tant en costes & dam-
nages, que la luty voile doner
a luy per lotz verdict, & le De-
fendant sur cest inditement
serra fine al Roy, & le Action
de Trespasse soyle giser cybie
deuant come apres L'endite-
ment ; Mes si le Plaintife en-
ciel Action fist le primer As-
sault, donques le Defendant
alera quite, & le Plaintife
serra amerce al Roy. pur son
faux suit. Et est destre obserue,
Que le record del conuiction

Batterie.

Batterie is an act that tendeth t
the breach of the peace and
quiet government of the Realme
as when a man assaulteth and
beateth another, this is against
the law and peace of the Realme
which ordaineth that no man
shall be his owne iudge, or re-
uenger of his owne priua-
te wrong, but shall leaue this t
the censure of the law which i
alwayes ready to heare and re-
dresse the rightfull and iust com-
plaints of euery man : wherefo-
he that is so beaten may eithe
indite the other party, who by
on it. shall be fined to the King
or haue his action of Trespasse
Assault and battery against him
(for enery battery impliceth a
Assault) and recouer so much t
costs and damages, as the Ju-
ry will giue to him by their ver-
dict, and the defendant shall by
the indictment be fined to the K
and the Action of Trespasse ma-
lie as well befoze as after the In-
dictment ; But if the Plainti-
in such action, maketh the fir-
assault, then the defendant sha-
goe quit, and the Plaintife sha-
be amerced to the King for hi
false suit. And it is to be obser-
ued, that the record of the con-
uictio

victim of the party by indictment, may serve for evidence in the action of Trespass brought by the same assault and battery.

But notwithstanding that the party shall have a two-fold punishment for such offence; that is to say, shall be punished to the king and to the party; yet there are those in respect of their naturall, and others who in respect of their ciuill power and authority ouer others, in a reasonable and moderate manner may chastise, correct, and beat them; as the parent their child; the Master his seruant or apprentice; the Gaoler or his seruant, the veruile Prisoners; the Officer, him that is arrested, and hee not otherhoise obey. Also a man may iustifie the beating of another in defence of his owne person, or of the person of his Wife, father, mother, or Sister. And a man may iustifie the beating of another in defence of his goods, and in maintenance of Justice: But it is to be noted, that in these cases if a man be not bidden, and constrained by a necessary cause; he cannot iustifie the beating of another.

Bedell.

Bedell is deriued from the French word Beadeau, which signifies a messenger or an apparitor of a Court that cites men to the Court to appeare and answer. And Manwood in his treatise of the forest laines cap. 23. fo. 221. a. says that a Bedell of a forest

del partie per indictment, poert serue p. evidence en le action de Trespass port sur mesme le assault & battery.

Mes nient obstant que le partie auera vn double punishment pur tiel offence, cest adire, serra punish al Roy & al party, vncore ascuns y sont, que en respect de leur natural, & auts que en respect de leur ciuile power & authoritie ouster auters, en vn reasonable & moderate maner poient eux chastiser, correcter, & bater; cōme le parent leur puer, le Master son Seruant ou Apprentice; le Gaoler ou son Seruant, les turbulent prisoners; le officer, cestuy que est arrest, & ne voyle autrunt obeyer. Auxy hōe poit iustifie le batture dun auter, en defence de son pson demesne, ou del pson de son Feme, pier, miere, ou Maister. Et home poit iustifie le batture dun auter, en defence de ses biens, & en maintenance de Justice. Mes est destre note, Que en ceux cases si home ne soit vrge & contraine per vn necessary cause, il ne poit iustifie le batture dun auter.

Bedell.

Bedell est deriue del Francois paroll Beadeau, q. signifie le messenger dūn Court ou vn q. cite homes a ceo p. appare & responder. Et Manwood en le treatise des leyes del Forest cap. 23. fo. 221. a. dit que vn Bedell del Forest est

The Exposition of

vn officer que ala p tent le For-
rest. semble al speciall Bayly
le viscount.

is an Officer that goes thorough
all the forest like a Sheriffe
speciall Baylis.

Beaile.

Beaile est vn breue que g'it
pur le heire, lou son beaile
fuit seizi iour que il morust ou
morust seiso de terre en fee
simple, & vn estranger enter
iour del mort le beaile, ou
abate apres son more, le heire
auera cest breife vers tiel
disseisor ou abator, & v. de
eco Fitz. N. B. 221. D.

Beaile.

Beaile is a writ that lies for the
heire, where his great grand
father was seised the day that he
died, or died seised of land in fee
simple, & a stranger enters the day
of the death of the great grandfa-
ther, or abates after his death, the
heire shall haue this writ against
such a disseisor or abator: and see
of this Fitz. N. B. 221. D.

Bewpleader.

Bewpleader est vn Breife sur
Lestature de Markbridge, &c.
gist ou le Viscount ou autre Bai-
liff en son Court voile pr'ceder
vn fine del partie Plaigne, ou
Defendant, pur ceo que il ne
pleadera beloment, &c. Et le
breife serra direct al Viscount
meisme. ou al Bailiff, ou cesty
que voile demand cest fine,
& est come vn Prohibition a
luy, commandant luy, que il
ne demandera tiel fine, & peut
estre sue per tout le Hundred,
ou per tout le Countie, come
semble, lou il voile demand
tiel maner fine de eux, Fitz N.
B. 270. A.

Bewpleader.

Bewpleader is a writ upon the
statute of Mark: and lies
where the Sheriffe or other Writ-
torn in his Court will take a fine
of the party Plaintiff, or Defen-
dant, to the end that hee shall not
plead faultry, &c. And the writ
shall bee directed to the Sheriffe
himselfe, or to the Writ-torn, o-
ther that will demand this fine
and it is as a prohibition to him
commanding him that he shal
not demand such a fine, and may
be sued by all the Hundred, or by
all the County (as it seemeth)
where he will demand such man-
ner of fine of them, Fitz. N. B.
270. A.

Bigamie.

Bigamie fuit vn counterplea
pedant al Counteill de Ly-
ons, sur mislike de second Mar-

Bigamie.

Bigamy was a counterplea (de-
vised at the Counteill of Ly-
ons, upon mislike of second mar-
riage)

riage) to be objected when the prisoner demandeth the benefit of the Clergie, to wit, his Booke, as namely to say, That he which demandeth the priuiledge of the Clergie, was married to such a woman at such a place, within such a Diocesse, and that shee is dead, and that he hath married another woman within the same Diocesse, or within some other Diocesse, and so is Bigamie. If he haue been but once married, then to say that shee whom he hath married, is or was a widow, that is to say, the left woman of such a one, &c. which thing shall be tried by the Bishop of the Diocesse where the marriages are alleged. And being so certified by the Bishop, the prisoner shall lose the benefit of the Clergie. But at this day by force of the Act made Anno 1. Edward. 6. cap. 12. this is no plea, but that he may haue his Clergie notwithstanding.

So is Brooke, Titulo Clergie, Placito 20. to the same purpose, And hereupon if you be desirous to see what reason they haue that perswade against second marriages, read among many others, Francis Petrarche, of remedies for both fortunes, the first Booke and lxxvi. Dialogue, intituled, of second marriage; which booke now of late M. Thomas Twine hath very well, and with good grace, (as they that can iudge here say) translated out of Latine into English, and most aptly cal-
 led it, *Physick against Fortune.*

riage) este object quant le prisoner demaunde le benefite del Clergie, cestascavoir, son Lieure, come nosmetment a dire, que il que demande le priuiledge del Clergie, suit marie a tiel Feme en tiel lieu deins tiel Diocesse, & que el est mort, & que il ad apres marie vn autre Feme deins mesme le Diocesse, ou deins ascun autre Diocesse, & iustint Bigamus. Ou sil nad este forsque vn temps marie, donques adire, Que el que il espouse, est, ou fuit vn viefse, cest adire, le reliet dun tiel, &c. Le quel chose sera trie per Leuesque de le Diocesse ou le espousels sont alledge. Et osteant issint certifie per Leuesque, le prisoner perdera le benefite del Clergie. Mes al cest iour, per force de le Actefayt en Anno primo Edm. 6. cap. 12. cest nul plea, mes que il poir auer son Clergie ceo nient obstant.

Issint est Brooke, Titulo Clergie, Placito 20. al mesme purpose. Et sur ceo si vous estes desirous de voyer queux raisons ils ont que perswade enuers second espousels, lege enter diuers autres, Francis Petrarche, de remedijs vtriusque Fortunæ, le premier liure, & lxxvj. Dialogue, entituled, De secundis nuptijs, quel lieure ore tarde Mounseigneur Th. Twine, ad biē & oue bone grace, (come ils que poyent iudg^r dient) translate hors de Latyne en Angloys, & mult aptement appelle c^t, *Physick encontre fortune.*

Bilawes.

Bilawes sont orders faits en Court Leers ou Court Barons, per le common consent p le bien d'eux q sont les Fea-
sors d'eux : Et sont appells *Bilawes*, quasi *Birlawes*, ou *Bawrlawes*, de paroll Germanois *Bawr*, id est, Rusticus, issint q *Bawrlawes* ou *Bilawes*, est tant adire come leges Rusticorum.

Billa vera.

Billa vera, est lendorsement del grand Inquest, sur ascū presentant ou Indictment q ils trouvent este probablement voyer.

Bilinguis.

Bilinguis en generall est vn hōc oue vn double langue, yncore il est cōmunemēt vsc pur cest lurie que passont parenter vn homie D'angleterre, & vn Alien, de que pt couient estī homies D'angleterre, & part Estrangers. Et pur ceo est enact per l'estatut de 28. Edward 3. Cap. 13. Que si ascū debate happa destre sur le packing de Lane, deuant le Maior del Staple, entrer les Merchants ou Ministers del mesme, & sur c de prouer la verite de ceo Enquest sera prise, & si l'un partie & l'autre soyt Denizen, il sera trie per Denizens, ou si l'un partie soyt Denizen, &

Bilawes.

Bilawes are orders made in court Leers or Court Barons, by a common consent for the good of them that are the makers of them : And they are called *Bilawes*, quasi *Birlawes* or *Bawrlawes*, of the Dutch word *Bawr* that is to say, a country man and so *Bawrlawes* or *Bilawes* is as much to say, as the lawes of country men.

Billa vera.

Billa vera, is the indorsement of the grand inquest upon any presentment or indictment, which they finde to be probably true.

Bilinguis.

Bilinguis in generall is a man with a double tongue, yet it is commonly vled for that Turke which passeth betweene an Englishman and an Alien, wherof part ought to be Englishmen, and part strangers. And for this cause it is enacted by the Statute of 28. Edward. 3. cap. 13. That if any variance chance to bee about the packing of wooll before the Maior of the Staple, betweene the Merchants or Ministers of the same, and thereupon to try the truth thereof, Enquest shall bee taken, and if the one party and the other be Denizens, it shall be tried by Denizens, or if the one party be Denizen, and the

the other alien, the halfe of the quest or of the prooffe shall be of Denizens, and the other halfe of Aliens.

L'autre alien, le moitie de l'enquest ou del prooffe sera Denizens, & l'autre moitie D'aliens.

Blackmaile.

Blackmaile, is a word used in the Statute of 43. Eliz. cap. 13. wher it signifies a certainty of money, Corn, cattell, or other consideration given by the poore people in the North parts of England, to men of great name and authority in those parts, to be by them protected from such as usually robb and steale there.

Blackmaile.

Blackmaile est un paroll use en lestatute de 43. Eliz. cap. 13. & signify un certain rate des deniers, blees, cattell, ou autre consideration donee par les povers homes, en les north parts de Angleterre, as homes de grand nom & alyance en ceux parts, desre p eux protects del eux q visuellement robbent & embler la.

Bloodwit.

Bloodwit, that is, to be quit of amerciaments for blood-robbery, and what Pleas are taken in your Court, you shall have the amerciaments thereof comming, because (wit) in English, is Misericordia in Latine.

Bloodwit.

Bloodwit, hoc est, quicquid esse de amerciamētis de sanguinis fuso, & quæ teneantur placita in Curia vestra, habebitis amerciamēta inde provenientia, quia (wit) in Anglois, est Misericordia in Latine.

Bockland.

Bockland, in the Saxons time was that that we at this day call freehold Land, or Land held by charter, and it was by that name distinguished from Felthand, which was Copyhold Land.

Bockland.

Bockland, en temps des Saxons fut ceo terre q nous a cest iour appellonous fraktenement, ou terre tenus per charter, & fuit p ceo nomm distinguish del Felthand; q fuit terre tenus per copy.

Borow.

Borow, which with us signifies an ancient town, as appears by

Borow.

Borow, q ovais; nous signify un anciēt ville cœe appartient

Mr Lirleton sect. 164. est vn paroll deriue ou del Francois paroll, *Burg*, id est, *Pagus*, ou del Saxon paroll *Borhoe*, id est, *Pignus*, pur ceo q̄ en ancient temps vicines dūi ville deveignont pledges lun pur laut, & de ceo venust Headborow, pur le chief pledge ou *Borhoe-Aldere*, q̄ nous appellomus le Borowholder ou le Burshoulder.

Borrowhead. v. Headborow.

Boot.

Boot est vn viel parol, & il signifie, Help, Succor, Ayde, ou Aduantage, & est communement ioyne oue vn autre parol, que signification il augment, come ceux, Bridgeboot, Burgboot, Fireboot, Hedgeboot, Plowboot, & diuers tiels semblable, pur q̄eux significatiōs veies en leur proper Titles.

Broodhalpeny.

Broodhalpeny, en ascun Copies *Broodhalfe peny*, hoc est, quietum esse de quadam consuetudine exacta pro Tabulis leuic ou Boords en Faïres ou Markers, & ceux que esteont enfranchised per le Charter le Roy de cest custome, ont cest parol mise en leur Letters Patent: per reason de quel, a cest iour le enfranchisement mesme (pur le breuie de elocution) est appel le nescit de *Broodhalfe peny*.

Master Lirleton, sect. 164. is word defined either of the French word *Burg*, id est, *Pagus* or of the Saxon word *Borhoe* id est, *pignus*, for that ancient neighbours of a towne becau pledges one for another, and from thence comes *Headborow*, the chiefe pledge or *Borhoe-Aldere*, which is now called the *Borowholder* or *Bursholder*.

Borrowhead; see *Headborow*.

Boot.

Boot is an old word, and signifies, helpe, succour, ayde, aduantage, and is commonly ioyned with another word, whose signification it doth augment, as these, *Bridgeboot*, *Burgboot*, *fireboot*, *Hedgeboot*, *Plowboot* and diuers others such like, whose significations look in their proper titles.

Broodhalpeny.

Broodhalpeny, in some Copies, *Broodhalfe peny*, that is to be quit of a certain custome exacted for setting vp of Tables or Boords in faïres or Markets, and those that were freed by the Kings Charter of this Custome, had this word put in their Letters Patentes by reason whereof, at this day the freedome is selde (for the breuitie of speech) is called by the name of *Broodhalfe peny*.

Broker.

Broker.

Broker is one of the french word Broieur, id est, un homme qui grinde ou breakes & eng into small peeces. And the trade of a Broker, as it appears in the Statute made 1. R. 2. cap. 11. is to buy, sell, and conclude Bargaines between Merchants & Traders. But the word is now also appropriated to them amongst us to buy and sell old and broken ware and household stuff.

Broker.

Broker semble de venir del paroll Francois Broieur, id est, Triclor, cestuy q grinde ou rumper vn chose en petite parcells: Et le voyer office du Broker cōe appiert per le Stat. fait 1. R. 2. cap. 11. est de biter, conuier, faire & concluder bargaines entre Merchāts & traders. Mes le parol est ore auxy approprié es eux entre nous q achate & vende vieux & broke apparell & household stuffe.

Bloody hand.

Bloody hand, is the apprehensie of a trespassor in the forest against Venison, with his hands & other parts of him bloudy, although he be not chassing or hunting: and of this see Mannwood in 1. forest. Lawes, cap. 18. sect. 133. b.

Bloody hand.

Bloody hand, est le Apprehender du trespassor en le forest envers venison oue ses maynes ou ascū part de lui embrues en sanke, coment q il ne soit troue chassing ou hunting: & de ceo veiet Mannwood for. leyes cap. 18. sect. 9. fo. 133. b.

Bull.

Bull is an Instrument so called, granted by the man of Rome, and sealed with a Scale of Lead, containing in it his Decrees, Commandements, or other Acts, according to the nature of the thing for which it is granted. And these Instruments so called, have bene heretofore used, and are now in this Land: but by the Statute of 28. H. 8. cap. 16. thus enacted, That all Bulls, Breves, Privileges, & Dispensations,

Bull.

Bulle vn Instrument issint appel, grant per le hōe de Rome, & enseale one vn Scale de plumb, cōtūnant en cō ses Decrees, Commandements, ou autres Acts, accordāt aī nature del chose pur que il est grant. Et cesx Instruments issint appel, ont esté cy devant usē, & de force en cest Terre: mes per lestatute de 28. H. 8. cap. 16. fut enact, Que rours Bulls, Breves, Privileges, & Dispensations,

The Exposition of

fations, de quelque nosme ou nature que il fuit, ad ou obtaine del Euelque de Rome, serront tout ousterment voyd, & de nul effect. Vide *Rastall*, 328. C. D.

Bullion.

Bullion venust del parol François *Billon*, que est le lieu ou or est try. Et issint *Bullion* est prise en lestatutes faits en 27. E. 3. Stat. 2. cap. 14 & en 4. H. 4. Stat. 1. cap. 10. pur le lieu a que or ou argent est port destre trie ou exchange. Mes *Bullion* est auxy prise en lestatute 9. E. 3. Stat. 2. cap. 2. pur or ou argent en le masse ou billet.

Briefe.

Briefe (*Brene*) signifie plus properment en nostre Ley, le pces q'issint hors del Chancery ou aus Court, commandant le viscount de summoner ou atracher A. pur respöder al suit B. &c. mes plus largement est prise p' aucun pcept del Roy en escript south seale issuant hors d'aucun Court, p' que il command aucun chose destre fait pur le furtherance del Iustice & bon order. Et ils sont appels briefes (*Brenia*) p' ceo q' ils briefent comprehend le cause de l'actiö, & rem breuiter enarrant. Et ascuns d'eux sont originals, & ascuns Iudicials, cöe poies veier alarge e le Register des briefes,

fations of whatsoever name or nature that it was, had or obtained from the Bishop of Rome should be altogether voyd, and of no effect. See *Rastall*, 328. C. D.

Bullion.

Bullion cometh from the French word *Billon*, which is the place where gold is tryed. And so *Bullion* is taken in the Statute made in 27. E. 3. Stat. 2. cap. 14 and in 4. H. 4. Stat. 1. cap. 10 for the place whither gold or silver is brought to be tryed & exchanged. But *Bullion* is also taken in the Statute 9. E. 3. Stat. 2. cap. 2. for gold or silver in the masse or billet.

Briefe.

Briefe (*Breve*) signifies more properly in our Laws, the process that issues out of the Chancery or other Courts, commanding the Sherife to summon or attach A. to answer to the suit B. &c. but more largely it is taken for any precept of the King or writing under seal, issuing out of any Court, whereby he commands any thing to be done for the furtherance of Justice and good order. And they are therefore call'd Briefes, because they do briefly comprehend the cause of the action. And some of them are Originals, and some Judiciall as you may see at large in the Register of Writs,

Burgage.

TO hold in Burgage, is to hold as the Burgeis hold of the King, or of another Lord, lands, or tenements, yielding to him a certaine rent by the yeare, or else such where another man than Burgeis holdeth of any Lord, lands or tenements in Burgage, yielding to him a certaine rent by yeare.

Brughbote.

Brughbote (and in some Copies **Bridgebote**) that is, to be quit of giving ayde to the repairing of Bridges..

Burghbote.

Burghbote, that is, to be quit of giving ayde to make a Burgh, Castle, Citie, or walles thereupon to be done.

Burbreach.

Burbreach, that is, to be quit of trespasses done in Citie or Burgh against the peace.

Burgh English.

Burgh English, or **Borough English**, is a custome in some ancient Borough, that if a man have issue divers sons, and die, yet the youngest son, eldest shall inherit and have all the

Burgage.

TENER en Burgage, est a tener sicome les burgeis teignours de Roy, ou de autre Seignior, terres, ou tenements, rendant a luy vn certaine rent per an, ou autrement la ou vn autre home q Burgeis tiēt dasc' Seignior, terres ou tenements en Burgage, rendant a luy vn certaine rent per an.

Brughbote.

Brughbote (& en aucuns copies **Bridgebote**) hoc est, quietum esse de auxilio dando ad reficiendum pontes.

Burghbote.

Burghbote, hoc est, quietum esse de auxilio dando ad faciendum Burghum, Castrum, Civitatem, vel muros prostrata.

Burbreach.

Burbreach, hoc est, quietum esse de transgressionibus factis in civitate vel Burgo contra pacem.

Burgh English.

Burgh English, ou **Borough English**, est vn custom en vn ancient Borough, que si vn hōe ad illuc divers firs & moruist, vncore le puisne firs solement inherier, & auerā tous les

terres & tenements q̄ fueront
de son pere, de que il morust
seisie deins m̄ le burgh per dis-
cent, come heire a son pere,
per force del custome de mesme
le Burgh.

Burglarie.

Burglarie est quant vn do-
bruse, & entree en le maison
d'un auter en le nuit, oue felo-
nieus intent, de robber ou oc-
cider, ou de faire autre felonie,
en queux cases nient obstant il
import rien, vncou il est felo-
nie, pur que il serra pendue.
Avecors est si spie en le iour,
ou que il debruse le maison en
le nuit, & ne entre pas en es-
cest temps.

Mes si vn seruant voile con-
spire oue autres de robber son
Master, & a cel' entent il ouer
les dorres & fenestres de son
Master en le nuit & eux, & ils
viene en le maison p' cest voy,
cest Burglarie en les estran-
gers, & le seruant est vn laron,
mes nemy vn Burglar. Et ceo
fuit l'opinion de le right Wor-
shipfull Sir Roger Manwood
Chivalier plus digne Seigni-
our chiefe Baron de le Esche-
quer, a la quarter Sessions re-
nus en Canturburie en January
1579. 21. Eliz.

lands and tenements that he
his fathers, whereof he died se-
sed within the same Borough
discent, as heire to his father, &
force of the customs of the same
Borough.

Burglarie.

Burglarie is when one breaketh
and entree into the house
another in the night, with fele-
nious intent to robbe or kill, or to
doe some other felonie, in whiche
cases although he carrie alwa-
nothing, yet it is felonie, for
which he shall suffer death. And
therein it is, if it be in the day-
time, or that he break the house
in the night, and enter not there
in at that time.

But if a seruant will conspire
with other men, to rob his Mas-
ter, and to that intent he open-
eth his Masters dores and win-
dowes in the night for them, that
they come in by that
way, this is Burglarie in the
strangers, and the seruant is a
theefe, but no Burglar. And
this was the opinion of the right
Worshipfull Sir R. Manwood
Knight, most worthy Lord chiefe
Baron of the Exchequer, at the
quarter Sessions holden at Can-
terburie in January 1579. 21. E-
liz.

~~Corps politique ou cor-~~

Corps politique.

Corps politique ou cor-

~~Corps politique ou cor-~~

Corps politique.

Corps politique ou cor-

able to give or take lands or other things, or to sue actions; an Alien being hath sufficient Capacitie to sue in any personall action, but in a real action it is a plea to say, that he is an Alien, and may if he shall be charged, Dyer fol. 3. pla. 2.

If a man enfeoffeth an Alien and another man to the use of himselfe, or &c. it seemeth that the King shall have the moiety of the land for ever, by reason of the incapacie of the Alien, Dyer fol. 3. pla. 31.

By the common Law no man hath capacite to take Tithes but spirituall persons, and the King, who is a person mixt; but a lay man that is not capable tithes in taking them, may yet be capable of discharge of tithes in the common Law in his othe as well as a spirituall man. See Coke l. 2. fol. 44.

Cape.

Cape is a writ judiciall, touching plea of lands or tenements; called (as the most part of writs are) of that word, which in it selfe signifyth the especiallest intention and thereof. And this writ is divided into grand Cape and petit Cape, both which take hold of things immovable, and come to differ between themselves in their names following: first, in that the grand Cape lyeth upon apparence, and petit Cape lieth. Secondly, by the grand Cape, the tenant is summoned to

probat est capable a donner ou prêter terres ou autres choses, ou a fuer actions, sic est un Alien nec ad sufficiente Capacite a fuer en ascū psonal action, mes en real actiō est bone ples adire q il est aliē nec, & prier si lerra respondu, Dyer fol. 2. pla. 8.

Si home enfeoffe un Alien & un home al use de luy ou &c. semble que le Roy aura le moytie del terre a tous iours per reason del incapacie del Alien, Dyer fol. 283. pla. 31.

Per le cōmon Ley nul hōc ad capacite de prendre Dismes forsq spiritual psons, & le Roy, qui est persona mixta; mes lay home q nest capable de Dismes en puancie, suit vncore capable de discharge de Dismes al cōmon Ley en son terre domesne cibien come spiritual home. Vide Coke lib. 2. fol. 44.

Cape.

Cape est un Brieve iudicial, touchāt pleade terfs ou tenemens, appelé (comme les plusors de Brieves sont) de cest mot q il luy mesme porte le plus especial estat & fine de cō. Et cest brieve est dividē en grād Cape & petit Cape, queux a bideux p̄tendans des choses immovables, & semble a disagreeer par les noms mesmes & ceux points infuants: Premiermt, par ceo q grād Cape gist denant apparence, & petit Cape puis. Secūdemt, par le grād Cape le tenant est summon a re-

The Exposition of

Respond al default, & ouster al demandant: Petit Cape summons le tenant a responder al default solemn, & pur ceo est appel petit Cape, en le veil N. B. 161. 162. Vncore Ingham dit, que il nest appel petit Cape, pur ceo que il est de petit force, mes pur ceo que il est petit Briefe en parols.

Cest Briefe semble a contenir en ced vn proces oue les Chullians appel, *Missio in possessionem ex primo & secundo Decreto*: Car sicome le primer Decree ent seist le chose, & le secod donast ceo de luy q fist le secod default en son apparence; assint cest Cape seist le terre, & aux y assigne ouster al parry vn jour d apparence, a quel sil ne vient eins le terre est forfeit. Vncore la est difference perent ceux deux courtes del Common & Civile Ley; car cest *Missio in possessionem*, extend a toucher cibien biens moueables come immoueables, ou vn Cape extend solemeint al immoduc, ables.

Secondement, en ceo, Que le party esteant satisfie de son demand, le residue est restore a luy q defaulta: Mes per le Cape, tout est seist sans restitution.

Tiercement, Costy est al vse del parry Agent, le Cape est al vse le Roy. Vies *Bracton lib. 5. Tract. 3. cap. 11. num. 4. 5. & 6. Le Reg. Indis. fol. 2. 4.*

answer to the default, and ouer the demandant: Petit Cape summoneth the tenant to answer to the default ouely; and therefore is called petit Cape, in the old N. B. 161. 162. Pet Ingham sayth, That it is not called petit Cape, because it is of small force; but because it is a little writ in words.

This writ seemeth to contain in it a Proesse with the Civilians called, *Missio in possessionem ex primo & secundo Decreto*: For as the first Decree seisteth the thing, and the second giveth from him that made the second default in his apparence; so the Cape seisteth the Land, and all assigneth ouer to the partie a day of apparence; at which, if he cometh not in, the Land is forfeited. Yet there is difference between these two courtes of the Common and Civil Law; for this *Missio in possessionem*, extendeth to touch as well good moueable as immoueable, wher a Cape extendeth ouely to the immoueable.

Secondly, in this, That the partie being satisfied of his demand, the residue is restored to him that defaulted: but by the Cape, all is seised without restitution.

Thirdly, That is to the vse of the partie agent, the Cape is to the vse of the King. See *Bracton lib. 5. Tract. 3. ca. 1. num. 4. 5. & 6. The Regist. iudic. fol. 2. 4.*

Cape ad Valentiam.

Cape ad Valentiam.

CApe ad valentiam is a Writ of Execution, and is thus defined in the old *Natura Breuium* fol. 161. 162. This Writ lieth where the Tenant is impleaded of certaine lands, and he voucheth to warrant another, against whom the summons *Ad warrantizandū* hath been awarded, and the Vouchee cometh not in at the day given: then if the Demaundant recouer against the tenant, he shall haue the Writ against the Vouchee, and shall recouer so much in value of the Vouchees land, if he haue so much, and if he hath not so much, then the Tenant shall haue execution by this Writ, of such lands and tenements as descend to him in Fee simple; or if he purchase afterwards, the Tenant shall haue against him a resummons, and if he can say nothing, he shall recouer the value.

And know, that this Writ lieth before apparance: Of these and their diuers vses, see the Register iudiciall, the word Cape.

Capias.

CApias is of two sorts, the one before iudgement, called *Capias ad respondendum*, in an Action personall, if the Sherife returne upon the first Writ, *Nihil habet in Balliua nostra*. And the other is a Writ of Execution after iudgement, which also is of diuers names, which see in the title Process.

CApe ad valentiam est vn Brieſe de Execution, & est iſſint deſine en le veile *Natura Breuium*, fol. 161. 162. Ceſt Brieſe giſt ou le Tenant eſt impleade de certaine Terres, & il vouche a Garrantie vn autre, vers que les Summons *Ad warrantizandum* ad eſſe agarde, & le Vouchee ne vient eins al iour done: Donques ſi le Demaundant recouer vers le Tenaunt, il auera ceſt Brieſe enuers le Vouchee, & recouera tant en value del Terre del Vouchee, ſil tant ad, & ſil nad tant, donque le Tenaunt auera execution per ceſt Brieſe, de tiels Terres & Tenements que diſcend a luy en Fee ſimple, ou ſil purchaſe apres, le Tenaunt auera vers luy vn Reſummons, & ſil riens poit dire, il recouera le value.

Et ſachez, Que ceſt Brieſe giſt deuaynt apparance; de ceux & leur diuers vses, vies le Table del *Regiſt. iudiciall*, le parol Cape.

Capias.

CApias eſt del deux ſorts, l'un deuaynt iudgement, appel *Capias ad respondendum*, en vn Action personall, ſi le Viſcount ſur le primer Brieſe returne, *Nihil habet in balliua noſtra*. Et l'autre eſt vn Brieſe d execution apres iudgement, que auxy eſt de diuers natures, queux vies en le Title *Proceſſe*.

The Exposition of

Capite.

Capite est vn Tenure que tient ymediatement del Roy come de son Corone, soit ceo per seruice de Chiualer, ou Socage, & nient dascun Honour, Castel, ou Mannour, & pur ceo il est auxy appel vn Tenure q̄ tient mecrement del Roy : Car come le Corone est vn Corporation, vn Seigniorie en grosse, issint le Roy que possesse le Corone est en le oyel del Ley ppetualmēt Roy, & ne vnques est en son Minoritie, ou morust nient plus q̄ *Populus* fait, lauthority de queux il port, *Veies Fitz. Natura Breuium fol. 5.* Vncore nota, q̄ vn home poit tēn del Roy, & vncore nient ē *Capite*, cest adire, nient immediatement del Corone en grosse, mes p meanes dascū Honour, Castle, ou Manor, appartenant al Corone, de que il tiēt la terre. De ceo *Kytchen* bien dit, Que home poyt tener del Roy per seruice de Chiualer, & vncore nient en *Capite*, pur ceo que poit estre que il tient d'ascū Honour per Seruice de Chiualer, que est en le maines del Roy, per discent de son Ancestors, & nient immediatement del Roy come de son Corone, *fol. 129.* Que que agree *Fitzherb. Nat. Bre. fol. 5.* k̄ queux parols sont a cest effect, Issint q̄ il plainement appiert, Que terres queux sont tenus del Roy, come aun Honour, Castle, ou Manor, ne sont tenus en *Capite* del Roy, pur ceo que vn brieve de droit en cel case serra direct

Capite.

Capite is a Tenure that holdeth immediately of the King, as of his Crowne, be it by Knights seruice, or Socage, and not of any Honour, Castle, or Manor: and for this it is also called a Tenure which holdeth mecrely of the King: for as the Crowne is a Corporation, a Seigniorie in grosse, so the King, who possesseth the Crowne, is in the eye of the Law perpetually King, and is neuer in his Minority, nor dieth no more than *Populus* doth whose authority he beareth. See *Fitzherberts Natura Breuium, folio 5.* Yet note, That a man may hold of the King, and yet not in *Capite*, that is to say, not immediately of the Crowne in grosse but by meanes of some Honour, Castle, or Manor, belonging to the Crowne, whercof he holdeth his land. Of this, *Kytchen* saith well, That a man may hold of the King by Knights seruice, and yet not in *Capite*, because it may be he holdeth of some Honour by Knights seruice, that is in the Kings hands, by discent from his Ancestors, and not immediately of the King, as of his Crowne, *fol. 129.* With which agreeth *Fitzher. Nat. Bre. fol. 5.* k̄ whose words are to this effect, So that it plainly appeareth, That Lands that are held of the King, as of an Honour, Castle, or Manor, are not held in *Capite* of the King, because that a writ of Right in this case shall be

be binded to the Bailife of the Honor, Castle, or Mannor, &c. But when the Lands are held of the King as of his Crowne, which are not held of Honour, Castle, or Mannor, but merely of the King as of his Crowne, as of a Seigniorie of it selfe in possesse, and the chiefe of all other Seigniories.

And this Tenure in Capite is otherwise called, Tenure holding of the person of the King, Dyer fol. 44. Brooke Titulo Tenures, numero 65. 92. And yet Maister Bacon, fol. 208. sayth, That a Man may hold of the person of the King, and yet not in Capite: the Case is this, If the King purchaseth a Mannor that J. S. holdeth, the Tenant shall hold as he did before, and he shall not render Livery, nor Primer Seisin, nor hold in Capite. And if the King grants his Mannor to W. N. in fee, excepting the services of J. S. then J. S. holdeth as of the person of the King, and yet not in Capite, but as he did before: By which it seemeth, that Tenure holding of the person of the King, and Tenure in Capite are two diuers tenures. To take away which difference, it may be said, That this place of Maister Kytchen is to be taken as if he had said, Not in Capite by Knights Service, but by Socage, following the usual speech, because that most commonly, where we speake of Tenure in Capite, we intend Tenure by Knights Service.

al Baylife del Honour, Castle, ou Mannor, &c. Mes quant les terres sont tenus al Roy, come de son Corone, donque ils ne sont tenus de Honor, Castle, ou Mannor, mes meereint del Roy, come Roy & de son Corone, come d'un Seigniorie de luy mesme en grosse, & le chiefe de tous autres Seigniories.

Et cest Tenure en Capite est autrement appelle, Tenure tiendant del person del Roy. Dyer, fol. 44. Brooke Titulo Tenures, Numero 65. 99. Et vncore Maister Kytchen, fol. 208. dit, Que home poet tener del person del Roy, & vncore nient en Capite: Son case est celi, Si le Roy purchase Mannor que I. S. tient, le Tenant tiendra come il reignoit deuant, & il ne rendra Liuerie, ne primer Seisin, ne tiendra en Capite. Et si le Roy grant son Mannor al W. N. en Fee, exceptant les Services de I. S. donques I. S. tient del Roy come del person del Roy, & vncore ne tiest en Capite, mes come il tenoit deuant: Per que il semble, Que Tenure tiendant del person del Roy, & Tenure en Capite, sont deux diuers Tenures. A toller quel difference poet estre dit, Que cest lieu de Maister Kytchen est desiré prisé come si ad dit, Nemy en Capite per service de Chivaler, mes p Socage, pursuant le vsual place, pur ce que plus communement, ou nous parlenoms de Tenure en Capite, nous intendoms tenure per service de Chivaler.

The Exposition of

Carke.

Carke semble destre vn quantite de Lane, de q̄ troysieme font vn Sarpler, 27. H. 6. cap. 2. *Vide Sarpler.*

Carke.

Carke semeth to be a quantite of Wool, whereof thirtie ma a Sarpler. 27. H. 6. cap. 2. S Sarpler.

Carno.

Carno est vn Immunitie, come appiert en *Crompt. Iurif. fol. 191.* ou est dit, Que le Prior de Malton fait claime pur luy & ses homes, destre quit de tous amerciements deins le Forest, & auxy destre franke D'escapes, & de tous manners de Gelds & de Pee-gelds, Buckestall, Trites, Carno, & Summage, &c.

Carno.

Carno is an immunitie, as appereth in *Crompt. Iur. fol. 191* where it is said, That the Prior of Malton made claime for him and his men, to be quit of all amerciements within the forest and also to be quit of Escapes and of all manner of Gelds, and of footgelds, Buckstall, Trites, Carno, and Summage, &c.

Carracke ou Carricke.

Carracke alias **Carricke**, est vn neisse de faly, & est issint appel del paroll Italiano *Carico* vel *Carco*, id est onus. Et c' paroll est mention en lestatute 1. Jacobi cap. 33.

Carracke or Carricke.

Carracke alias **Carricke**, is a shute of burden, and is so called of the Italian word *Carico* or *Carco*, which signifies a burden. In this word is mentioned in the Statute 1. Jac. cap. 33.

Carue de terre.

Carue de terre est vn certaine quantite de Terre, per que les subiects ont este cy deuant taxes sur quele Tribute issint leuied, est appel Caruage, *Bracton lib. 2. Cap. 16. num. 8. Littleton Sect. 119.* dit, Que *Soca* est mesme oue *Caruca*, s. vn Soke ou Carue. *Stow* en son *Annals*, p. 271. ad ceux parolls. Mesme le temps *Henrie le Roy* prist Caruage, cestadire, deux markers &

Carue de terre.

Carue de terre is a certain quantite of Land, by which the Subjects haue beene heretofore taxed: whereupon the Tribute so leuied is called Caruage. *Bract. lib. 2. cap. 16. num. 8. Littleton Sect. 119.* saith, That *Soca* is the same with *Caruca*, sc. a Soke or *Plots*. *Stow* in his *Annals*, p. 271. hath these words, The same time *Henry the King* tooke Caruage, that is to say, two Marks

of Silver for every Knights fee, to the marriage of his sister Isabel to the Emperour. By which it kermeth, that there was rate of every Plow land so much, as so consequently of every Knights fee two Marks of Silver. Rast. in his exposition of words saith, That Carriage is to be quit, if the Lord the King shall tax all the land by Plowes, that is to say, a privilege by which a man is freed from Carriage.

Master Skene saith, That it containeth as great a portion of land as may be eyed and tilled in a yeare and a day with one Plough, which also is called a Hild or Hide of Land.

Castellaine.

Castellaine is a keeper or Captain, sometimes called a Constable of a Castle, Bract. li. 5. tract. 2. c. 16. in the same manner it is used, an 3. E. 1. c. 7. In the bookes de feudis, you shall finde Guastaldus to be of like signification, but more large, because it is also extended to those that have the custodie of the Kings mansions houses, called Courts, notwithstanding they are not places of defence or force. M. Manwood part. 1. of the Lawes of the Forest, pag. 113. saith, That there is an officer of the Forest, called Castellanus.

Castle-gard.

Castle-gard is an imposition layd upon such of the Kings

argent a chescun fee d'un Chivalier, al mariage de son soer Isabel al Emperour, Per que il semble, que la suit raisle de chescun Carue de terre tant, et issint per consequent de chescun fee a Chivalier deux Markes D'argent. Rastal en son exposition de parols dit, Que Carriage est destre quit sile Seignour le Roy taxera tout le Terre per Carues, cest adire, vn privilege per que vn home est exempt de Carriage.

Mayster Skene dit, Que ceo containe cy grand portion de Terre que poit estre eyred ou tilled en vn annee & iour oue vn Carue, que auxy est appelle Hilde, ou Hide Terra.

Castellaine.

Castellaine est vn Keeper ou Capitaine, ascun foits appelle vn Constable d'un castle, Bract, lib. 5. Tract. 2. cap. 16. en mesme le manner il est vse, an. 3. Edw. 1. cap. 7. En les lieures de Feudis vous troueres Guastaldus destre de tiel signification, mes plus large, pur ceo que il est auxy extend a ceux que ont le custodie de les Mansion meafons del Roy, appelle Courts, nient obstant que ils ne sont lieux de defence ou force. M. Manwood part. 1. del Leys del Forest, pag. 113. dit, Que la est vn officer del Forest, appelle Castellanus.

Castle-gard.

Castle-gard est vn imposition pose sur tiels Subjects del Roy, que

queux inhabitont deins vn certaine compas dascun Castle, al maintenance de uelx queux vigilont & gardont le Castle, *Mag. Char. cap. 2. & anno 32. H. 8. ca. 48.* Il est ascun fois vse p le circuit mesme, q est inhabite per tiels qux snt subiect a cest seruice.

subjects as dwell within a certain compass of any Castle, to the maintenance of such as watch and ward the Castle, *Mag. char. ca. 2. & an 32. H. 8. cap. 48.* It is sometimes used for the circuit it selfe, which is inhabited by such as are subject to this seruice.

Casu consimili.

Casu consimili.

Casu consimili est vn Briefe de Entric, grauntus ou le Tenat per courtesie, ou Tenant pur terme de vie, ou pur autre vie, alien en fee ou en Taile, ou pur terme d'auter vie. Et il ad cest nomme, pur ceo, que les Clerks del Chancery ont ceoframe per lour common consent, ensemble al Briefe appel, *In casu prouiso*, accordant alauctorite donec al eulx p lestatute de Westminster le 2. cap. 24. que voit, *Quotiescunque euenierit in Cancellaria, Quod in uno casu reperitur breue, & in consimili casu indigente remedio, concordent Clerici de Cancellaria de Breui faciendo, &c.* Et cest briefe est grant a cestuy en reuerfion; vers le partie a que le dit Tenant iust alia a son preiudice, & en le vie del dit Tenaunt. Veies puis de ceo, *Fitzherb. Nat. Bre. fol. 206.*

Casu consimili is a Writ of entrie granted where the tenant by curtesie, or tenant for terme of life, or for the life of another, alieneth in fee, or in taile, or for terme of the life of another. And if hath this name, for this, because the Clerkes of the Chauncerie haue framed it by their common consent, like to the Writ called, *In casu prouiso*, according to the authoritie giuen to them by the Statute of West. the 2. ca. 24. which willet, That as often as it shall happen in Chauncerie, that in one case a Writ is found, and in the like case a remedie is wanting, the Clerkes of the Chauncerie should agree to make a Writ, &c. And this Writ is granted so him in reuerfion, against the partie to whom the said tenant so aliened to his preiudice, and in the life of the Tenant. See more of this, *F. N. B. fol. 206.*

Casu prouiso.

Casu prouiso.

Casu prouiso est donec per lestatute de Gloucester cap. 7. Et cest Briefe gist ou Tenaunt en Dower alien en Fee, ou a

Casu prouiso is giuen by the Stat. of Gloucester, cap. 7. And this Writ lyeth where Tenant in Dower alieneth in fee,

or for terme of life, or in taile, the land which she holdeth in Dower, there bee that hath the reuerſion in fee, or in taile, or for terme of life, ſhall preſently haue this Writ againſt the Alience, or him that is tenant of the freehold of the Land, and that during the life of the Tenant in Dower, F. N. B. fol. 205. n.

Catals.

Catals comprehend in it ſelfe all goods mouable & immouable, except ſuch as are in nature of freehold or parcell of it, as may be collected out of Staunt. Præf. cap. 16. and anno 1. El. cap. 2. Pet. Kyth. fol. 32. ſaith, that money is not to be accounted goods or catals, nor Hawks, nor Hounds, for they are feræ naturæ. But ſometimes that money is not a chattel, becauſe it is not of it ſelfe valuable, but rather in imagination, than in deed.

Catals are either reall or perſonall: Catals reall be either ſuch as doe not immediatly appertain to the perſon, but to ſome other thing by way of dependance; as a Box with Writings of Land, the bodie of a Ward, the apples upon the tree, or the tree it ſelfe growing upon the ground, Crom. f. 33. b. Or elſe ſuch as are iſſuing out of ſome thing immouable, to the Perſon, as a Leafe for term or terme of yeares.

Perſonall may be ſo called in two reſpects, the one becauſe they belong immediatly to the perſon

terme de vic, ou en Taile, la Terre que el tient en Dower, ore ceſtuy que ad le reuerſion en Fee, ou en Tayle, ou a terme de vic, maintenant auera ceſt Brieſe vers le Alienee, ou ceſtuy que eſt Tenaunt del franktenement del Terre, & ceo durant la vie le Tenant en Dower, F. N. B. fol. 205. n.

Catals.

Catals comprehend en ceo tous biens mouable & immouable, forſque tiels que ſont en nature de Franktenement ou parcel de ceo come poct eſtre collect hors Staunt. Præf. cap. 16. & anno 1. Eliz. cap. 2. Vncore Kitch. fol. 32. dit, Que mony neſt deſtre accouſté biens ou chatals, ne eſperûs, ne chiens, car ils ſont *feræ naturæ*. Mes il ſemble, q mony neſt catall, pur ceo q neſt de luy meſme choſe valuable, mes pluſ en imagination que en fait.

Catals ſont ou Reall ou perſonall: Catals reall ſont ou tiels que ne appertcinont immediatment al perſon, mes alaſcun auſ choſe per voy de dependancy; cõe vn boxe oue chartz de terre, le corps dun gard, les pommes ſur l'arbre, ou l'arbre meſme creſſant ſur le Terre, Cromp. fol. 33. b. Ou autermt tiels q ſont iſſuants hors d'alcun choſe immouable, al perſon, come vn Leafe pur Rent ou terme d'ans.

Perſonall poct eſtre iſſiat appel en deux reſpects. L'un ſc' q ils appert immediatement al perſon

The Exposition of

un hge, cbevn chial, &c. Lauf
p c' que quant ils sont tortious-
ant deteigne, nous ne auom' pas
ascun auf means p' leur reconue-
rie forsque per personal actions.

Les Civilians comprehend-
ont ceux choses, & auxy fies
& tous natures, ou Tenures,
desouth le parol *Bona*, que est
per eux diuide in *Mobilia* & *im-*
mobilia. Vide *Bract. li. 3. cap.*
3. nu. 3. & 4.

Certiorari.

Certiorari est vn Briefe, & gift
lou vn est implacade en vn base
Court, que est de Record, & il
suppose que il ne poit auer
equal Justice la, donques sur vn
bill en le Chancerie comprisant
ascun matter en conscience, il
auera cest Briefe pur remouuer
tout le Record en le Chaunce-
rie, & la destie determine per
conscience, mes sil ne proua son
Bill, donques l'auter party auera
vn Briefe de *Procedendo*, a re-
maund le Record en le base
court, & la destie determine.
Auxy il gift en plusors auters
cases, pur remouer Records
pur le Roy, come indictments
& auters.

Certificate.

Certificate est vn escript fait
en ascú court, a doner notice
a l'aut court de c' chose fait la,
come vn certificate del cause d'
attaint, est vn transcript briefe-
ment fait per le clerke del

of a man, as a horse, &c. The
ther, because that when they are
wrongfully detained, we haue
no other meanes for their reconue-
ry, but personall actions.

The Civilians comprehend
these things, and also lands of all
natures and tenures under the
word goods, which is by them
diuided into Moouables and Im-
moouables. See *Bract. li. 3. ca. 3.*
num. 3. & 4.

Certiorari.

Certiorari is a Writ, and lieth
where a man is implacaded in a
base Court that is of Record,
and he supposeth that he may not
haue equall Justice there, then
vpon a bill in the Chancerie
comprising some matter of con-
science, he shall haue this Writ
to remoue all the Record into
the Chancerie, and there to be
determined by conscience, but if
he proue not his Bill, then the
other partie shall haue a Writ of
Procedendo, to send againe the
Record into the base Court, and
there to be determined. And it ly-
eth in many other cases, for to
remoue Records for the King,
as indictments and others.

Certificate.

Certificate is a writing made in
some Court, to giue notice to
another Court of something done
there, as a certificate of the cause
of attaint, is a transcript briefe-
ly made by the Clerks of the

Corone, Clerkes of the peace, or Clerks of Assise to the Court of Kings Bench, containing the tenor and effect of every indictment, outlawrie, or conviction, and Clerke attainted, made or declared in any other Court.

But note, that this certificate ought to be made by him that is the immediat officer to the Court, and therefore if the Commissarie or Officiall of the Bishop, certificate in excommunication in bar of an action at the common Law, this is not good (as was resolved in Coke, lib. 8. fol. 68.) but such excommunication ought to be certified by the Bishop himselfe: Yet the Certificate of an excommunication by speciall Commissioners Delegates vnder their common seale was allowed, and held good enough in the common place, Dic fol. 371. pla. 4.

Certification of Assise.

Certification of Assise of Novel disseisin, &c. is a writ awarded to re-examine or review a matter passed by Assise before any Justices; and is used when a man appeareth by his Bayliffe to an Assise brought by another, and loseth the day, and hath some other matter to plead farther for himselfe, as a Deed of release, &c. which the bayliffe did not plead or might not plead for him, whereby a better examination of the cause, either before the same or other Justices, and obtaineth Letters Patentes (see their forme

corone, Clerke del peace, ou Clerke a assise al court del bank le Roy, contenant le tenor & effect de chescun indictment, outlawrie, ou conviction, & Clerke attaint fait ou declare en aucun autre Court.

Mes nota, que cest certificate doit estre fait par cestuy que est le immediat officer al court, & pur ceo si le Commissarie ou Officiall del Euesque, certifie un excommungement en barre d'un action al common Ley, ceo nest bone (come fuit resolu en Coke lib. 8. fol. 68.) mes tiel excommungement doit estre certifie per Leuesque mesme: Vncore le Certificate d'un excommungement per speciall Commissioners delegates desfourh leur common seale fuit allow, & tenuz assés bone en le common bank, Dyers fol. 371. pla. 4.

Certification de Assise.

Certification d'un Assise de Novel disseisin &c. est un briefe award, a re-examiner ou reuifier un chose passe per Assise de aucun iustices; & est vse quand hōc appiert q son Bayliffe a un Assise port per un autre; & perde le jour, & ad aucun autre chose ouster a pleader pur luy mesme, come un fait de release ou &c. que le Bayliffe ne pleaderoit ou ne puit pleader pur luy, par un mieuz examination del cause, ou deuant mesme les iustices, ou autres; & acquire Lettres Patentes (vide leur forme

F. N. B. 181.) & doncque port vn briefe al Vicoune a appeller le partie pur que l'assise ad passe, & auxy le Iurie que fuit impariel sur mesme l'assise deuant les dits Iustices a vn iour & lieu certainc,

Et est appel vn certificate, pur ceo que en ceo mention est fait al Vicount, que sur le parties complaint del defectiue examination, ou awrust vncore remainant sur le Assise passe, lo Roy ad direct ses Letters Patents a les Iustices, pur le mieuz certification de leur mesmes, ou tous les points del dit Assise fueront examine ou nemy.

Cession.

Cession est quant vn Ecclesiasticall person est cree Euesque, ou quant vn Parson d'un Parsonage prist vd autre Benefice sans dispensation ou autrement nient qualifiéd, &c. En ambideux cases, leur primer Benefices sont deuenus void, & sont appelle destre void per cession: Et al ceux que il ad fait cree Euesq, le Roy present com pro illa vice, quicunque son patron de eux. Et en l'autre cas le patron pot presenter.

Cessavit.

Cessavit est vn Briefe, & gift lou mot varie. Tenant qui tient de moy certaine eres ou tenements, & certainc rent

F. N. B. 181.) and then bringeth a writ to the Sheriffe to call the partie for whom the assise had passed, and also the Iurie which was imparielled upon the same Assise before the sayd Iustices at a day and place certaine.

And it is called a certificate because that therein mention is made to the Sheriffe, that upon the parties complaint of the defectiue examination, or doubts remaining yet upon the Assise passed, the King hath directed his Letters patents to the Iustices, for the better certifying of themselves, whether all the points of the sayd Assise were duly examined or not.

Cession.

Cession is when an Ecclesiasticall person is created Bishop or when a Parson of a Parsonage taketh another Benefice without dispensation or otherwise not qualified, &c. In both cases their first Benefices are become void, and be said to become void by cession: and to those that he had who was created Bishop the King shall present for that time, whosoever bee patron of them: And in the other case the patron may present.

Cessavit.

Cessavit is a writ, and it lyeth where my lord Tenant which holdeth of me certaine lands and tenements, yielding certaine rent

the year, and the rent is be-
 come not payd by two yeares,
 and no sufficient distresse may be
 had upon the Land, then I shall
 recover the Land; but if the Ten-
 ant come into the Court before
 judgment given, and tender the
 arrearages and damages, and find
 surety, that he shall cease no more
 payment of the sayd rent, I
 shall be compelled to take the ar-
 rearages and the damages, and
 the Tenant shall not lose
 the Land. Also the heire may not
 maintain this writ for the cesser
 in the time of his Ancestor:
 for this writ lyeth not, but for
 small service, as rent and such-
 like, and not for homage and
 fealty.

Also there is another writ,
 called Cessavit de cantaria, and it
 lyeth where a man giveth land to
 the use of Religion, to finde for
 the soule and of his ancestors, and
 his heires, yearly a candle or
 tapers in the Church, or to say
 divine service, or to feede the
 poor, or other almes, or some o-
 ther thing to doe, then if the said
 service be not done in two yeares,
 the donor or his heires shall
 have this writ against whoso-
 ever holds the things given after
 the cesser: see the Statute W.
 2. cap. 41.

Challenge.

Challenge is an exception tak-
 en either against persons, or
 things: Persons, as in an Assise,
 Jurors, or against a more of

per an, & le rent est arriere nient
 pay p deux ans, & nul sufficient
 distresse poit estre troue sur le
 terre, donques ico auera cest
 Briefe per que ico recouera le
 terre, mes si le tenant vient en
 court deuant iudgement, & tendra
 les arrerages, & les damages, &
 troue suretie, que il ne cessera
 plus en payment de dit rent, ico
 sera compel de prendre les ar-
 rearages & les damages, & don-
 ques le Tenant ne perdra la
 terre. Auxy le heire ne poit
 maintain cel Briefe pur cesser
 fait en temps son ancestor. Auxy
 cest briefe ne gist mes pur an-
 nual service, cōc rent & hus-
 modi, & nient pas pur homage
 & fealtie.

Auxy il y ad autre Briefe ap-
 pelé Cessavit de cantaria, & gist ou
 vn donec terres a maison de reli-
 gion a trouer pur l'ame de luy
 & de ses auncestors, & de ses
 heires annualment vn chandel
 ou lampe en Eglise, ou pur faire
 asc' diuine service; ou de pasteur
 les povers, ou autres almes, ou
 autre tiel chose faire, donque si
 les dits charges ne sont pas fait
 p 2. ans, donque le donor ou ses
 heires auera cest Briefe vers
 quecunque est eins apres tiel
 cesser. Vide lestatute W. 2.
 cap. 41.

Challenge.

Challenge est vn exceptio prise
 ou enuers psons, ou choses:
 Persons, come en vn Assise les
 Jurors, ou ascun vn, ou plus de

eux ; ou en case de Felony, per le Prisoner al Barre : Vers Chofes, come vn Declaration, *Vet. Nat. Br. fol. 76.*

Challenge fait a les Iurors, est fait ou al Array, ou a les Polles : Challenge al Array, est ou exception est prise al entire nombre, come impannell partialment : Challenge al ou per le Polle, est ou exception est prise al ascun vn, ou plus, come nient indifferent. Challenge a les Iurors est auxy diuide en Challenge Principall, & Challenge per Cause, cest adire, sur cause ou reason. Challenge Principall, ou Peremptory, est ceo que le Ley allowe, sans cause alledge, on examination : Come vn prisoner al Barre arraigne sur Felony, poit peremptoriment challenge al nombre de vint vi apres auter del lury impannell sur luy, nient alledged de ascun cause, mes son dislike demesne, & ils serront discharge, & nouels mise en lour lieux : & ceo est *in fauorem vite*. Mes en le case de hault Treason, nul peremptory Challenge est allowe. *Vide 25. H. 8. cap. 3.* Et vn difference poit estre obserue perent Challenge principal & Challenge peremptory, pur ceo que Challenge peremptorie semble solement destre vse en choses criminal, & merement sans ascun cause alleage plus que le sole phantasie del prisoner, *Stamford, Pl. Coron. fol. 124.* & principal pur le greinder part en Ciuille Actions, & oue le noismant de

them ; or in case of felony, by the Prisoner at the Barre : Against things, as a Declaration. *Old Nat. Br. fol. 76.*

Challenge made to the Jurors, is either made to the Array, or to the Polles. Challenge to the Array, is where exception is taken to the whole number, as impanelled partially : Challenge to or by the Poll, is where exception is taken to any one, or more, as not indifferent. Challenge to the Jurors is also diuided into Challenge Principall, and Challenge for Cause, that is to say, vpon cause or reason : Challenge Principall, or Peremptorie, is that which the Law alloweth, without cause alledged, or examination : as a prisoner at Barre arraigned vpon felony, may peremptorily challenge to the number of twentie one after another, of the Iurie impanelled vpon him, not alleging any cause at all, but his owne dislike, and they shall be discharged, and new put into their places : and this is in fauour of life. But in the case of high Treason, no peremptorie Challenge is allowed. *See 25. H. 8. cap. 3.* And a difference may be obserued betwene Challenge principall & Challenge peremptorie, because that Challenge peremptorie seemeth onely to be vled in matters criminal, and merely without any cause alledged, more then onely the prisoners fantasie. *Stamf. Pl. Coron. f. 124.* and principally for the most part in ciuill Actions, and with the naming of some

some exceptiōs; which being found true, the Law presently alloweth. As for example, if any partie sayeth, That one of the Jurors is the Sonne, Brother, Cousin, or Unāt to the other party, or married his daughter, this is a good and strong exception, if it be true, without further examination of the credit of the party challenged. And how largely this challenge of kindred extendeth, it well appereth, *Plo. f. 425*. Also in the plea of the death of any man, and in every Action real, and also in every Action personall, where the debt or damages amounteth to forty marks, it is a good challenge to any of the Jurie impanelled, That he cannot dispend forty shillings by the year of his owne freehold, *Ass. 11. H. 7. ca. 21.*

Challenge byon reason or cause, is when the partie alleageth any such exceptiōs against one or more of the Jurors, which is not forthwith sufficient, byon acknowledgement of the truth thereof, but rather arbitrable and considerable by the rest of the Jurors, as if the Sonne of the Juror had married the daughter of the adverse partie; this challenge by cause seemeth to be termed by *Kyrcb. fol. 92*. Challenge for favour; or rather Challenge for favour is there said to be a Species of Challenge by Cause: Where you may also read what Challenges are commonly accounted for principal, and what not,

aucun exception, que esteant trouue voyer, le Ley maintenant allowe. Come par exemple, si aucun partie dit, Que vn des Iurors est le Fils, Frere, Cousin, ou Tenant al autre partie, ou espouse son File, ceo est vn bone & fort exception, si soit voyer, sans plus examination del credit del partie challenge. Et de que large extent cest Challenge de Consanguinitie est, il bien appierr, *Plew. fol. 425*. Auxy en le plea del mort de aucun home, & en chescun Action real, & auxy en chescun Action personall, ou le det ou damages amount al 40. Markes, il est bone Challenge al aucun del Iurie impanel, que il ne poet dispendre 40. s. per l'an, de son Franktenement demesue, *Ass. 11. H. 7. cap. 21.*

Challenge sur Reason ou Cause, est quant le partie alledge aucun tiel exception vers vn ou plus al Iurie, que nest immediate sufficient sur conuissance del voierie de ceo, mes arbitrable & considerable per le residue des Iurors, come si le Fils le Iurour ad espouse le File del adverse partie, cest challenge per cause semble per *Kyrcb. fol. 92*. destre Challenge pur fauour; ou potius Challenge pur fauour, est la dit destre vn Species de Challenge per cause, ou poys auxy lier queux Challenges sont communement accont pur principal, & queux non.

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Chamberdekins.

Chamberdekins sont Irish Beggars, que per l'estatute de 1. H. 5. cap. 8. fueront per vn certain tēps deins mesme l'estatute expresse, à auoyer cest Terre.

Champertie.

Champertie est vn briefe, & gift lou deux homes sont implcadants, & l'un done la moitie ou part del chose en plee, a un estrange, pur luy maintenir encounter le auter, donques le partie griue auera cest Briefe deuers le estrange. Et semble que ceo ad este vn ancien peche en nostre Terre: Car nient obstant diuers Statutes, & vn forme de vn Briefe frame a eux, vncōre Anno 4. Edward. 3. cap. 11. fuit enact, Que ou les primer Statutes prouide redresse pur ceo solement en Banke le Roy, que donques attend le Court, il serroit loyall pur les Iustices del Common Plees ensement, & Iustices D'assises en leur Circuits, de enquirir, oyer & determiner ceux & tiels Cases, cybiē al suit le Roy, cōe al suit del pry. Auxy fuyt ordeigne per L'estatute de 33. Henr. 8. (q̄ fuit confirme ple Statute de 37. Henr. 8. cap. 7.) Que Iustices del Peace a leur Quarter Sessions aueront authority dēquirir cybiē p le sermēs de 12. hōes, come per l'information done a eux per ascun person ou persons, des defaults, contempts, & offences commise

Chamberdekins.

Chamberdekins are Irish Beggars, which by the Statute of 1. Hen. 5. cap. 8. were by a certaine time within the same Statute limited, to auoyd this Land.

Champertie.

Champertie is a Writ, and lieth where two men be impleading, and one giueth the halfe or part of the thing in Plea, to a stranger, for to maintaine him against the other, then the partie griued shall haue this Writ against the stranger. And it seemeth, that this hath been an ancient fault in our Realme, for notwithstanding diuers Statutes, and a forme of a Writ framed vnto them, yet Ann 4. Ed. 3. ca. 11. it was enacted, That where the former Statutes prouided redresse for this onely in the Kings Bench, which then folowed the Court, it should be lawful for the Iustices of the cōmon Pleas likewise, and Iustices of Assise in their Circuits, to enquire, heare, and determine these and such cases, as well at the suit, as at the suit of the partie. Also it was ordained by the Statute of 33. H. 8. (which was confirmed by the Statute of 37. H. 8. ca. 7.) That Iustices of Peace at their quarter Sessions should haue authority to enquire, as well by the oaths of 12. men, as by the information giuen to them by any person or persons, of the defaults, contempts, and offences committed

against the Lawes and Statutes made and provided concerning or touching Champertie, Maintenance, &c. and to heare and determine the sayd faults and offences.

Champertois be they that moue ples and suits, or cause to be moued by their owne or others procurement, and sue them at their owne costs, to haue part of the lands or gaines in variance. See the Statute Articuli super chartas, cap. 11.

Chance-medley.

Chance-medley is when a man without any euill intent, doth a lawfull thing, or that is not prohibited by Law, and yet another is kaine, or cometh to his death thereby: as if a man casteth a stone, which striketh a man or woman, who after dieth thereof: or if a Man shooteth an Arrow, and another that passeth this way is killed, and such like, this manner of killing is Man-slaughter by misadventure, or Chance-medley, for which he which killeth shall haue his pardon of course, as appeareth by the Statute of 6. Ed. 1. cap. 9. and he shall forfeit his goods in such manner as he that shall kill a man in his owne defence. But in this case it is to be considered, whether he that committeth this Man-slaughter by Chance-medley was in doing of a lawfull thing, for if the act was unlawfull, as to fight at Barriers, or runne at Tilt without the Kings commandement, or

encounter les leys & Statutes, fait & puruiwes concernâns ou touchants Champertie, Mayntenance, &c. & a oyer & determiner les dits faults & offences.

Champertois sont ceux que moua ples & suits, ou cause destre moue per leur ou auters procurement, & sue a leur costringes & charge demesne, pur auer part del terre ou gaines en variance. Vies l'estatute Articuli super Chartas Cap. 11.

Chance-medley.

Chance-medley est quant vn home sans aucun male entent, fait vn loyall chose, ou que ne s't prohibite per Ley, & vncore auter est tue, ou vient a son mort per ceo, s'come home iet vn pierre, que percusse home ou Feme, que apres de ceo morast, ou si home sagitte vn Fletcher, & auter que passe cest voy est occide, & riels semblables, cest manner d'occision est homicide per misadventure, ou Chance-medley, pur que cestuy que occide auera son pardon de course, come appiert per l'estatute de 6. Ed. 1. cap. 9. & il forfeitera ses biens en tiel manner come cestuy que tuera vn home en son defence. Mes en cest case est destre consider ou cestuy que commit cest homicide per Chance-medley fuit en sefians dun loyall chose, car si le act fuit illoyal, come a pugner al Barriers, ou curre a Tilt sans commandement le Roy, ou

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ietter pierres en vn Hault voy
ou homes vsualment passe, ou
sagittant Fletches en vn Mar-
ket lieu, ou tiels semblables, per
que vn home est occide, en tous
ceux cases il est Felonie al
meines, cest a scauire, homicide,
sinon que soyt murder, car l'of-
fendor esteant sefant dun illoy-
all act per son volunt demesne, le
ley construa son meaning & vo-
lunt en c' per le successe del act.

Come si deux sont pugnans
ensemble, & vn tierce hōc vient
a seuerer eux, & est occide per
vn de eux deux, sans aucun ma-
lice prepençe, ou male entent en
luy que occide le home, vncore
ceo est murder en luy, & nemy
homicide p Chance-medly ou
misadventure, pur ceo que ils
deux que combateront ensen-
ble, fueront en seafance d'un il-
loyal act. Et si ils fueront assem-
ble ou malice prepençe, l'un in-
rendant a occid l'auter, donque
il est murder en eux ambideux.

Chapiter.

Chapiter est vn Summarie ou
contens de tous tiels choses
que sont destre enquire deuant
Iustices en Eyre, Iustices d'assise,
ou del Peace en leur Sessions :
Mint est vse, 3. Ed. 1. cap. 27.
en ceux parols, Et que nul
Clerke d'aucun Iustice, Eschea-
tor, ou Commissioner en Eyre,
prendre aucun chose par deliue-
ry de Chapitrs, mes solent clerks
de Iust. en leur Circuits, & en-
sent 13. Ed. 1. cap. 10. & ceux pols,

cast Stones in a highway where
men vsually passe, or shooting Ar-
rowes in a market place, or such
like, whereby a man is killed, in
all these cases it is felonie at least,
that is to say, Man-slaughter, if
not Murder, for the offender be-
ing doing of an vnlawfull act,
through his own will, the Law
shall construe his meaning and
will herein, by the successe of the
act.

As if two are fighting toge-
ther, and a third man cometh to
part them, and is killed by one
of them two without any malice
fore-thought, or euill intent in
him that kill'd the man, yet this
is murder in him, and not man-
slaughter by chance-medley or
misadventure, because that they
two that fought together were in
doing of an vnlawfull act. And
if they were met with prepen-
sed malice, the one intending to kill
the other, then it is murder in
them both.

Chapiter.

Chapiter is a Summarie or
Content of all such matters as
are to be enquired of before Iusti-
ces in Eyre, Iustices of Assise,
or of the Peace in their Sessions :
so it is used, 3. Ed. 1. cap. 27. in
these words, And that no Clerke
of any Just. Escheator, or Com-
missioner in Eyre, shall take any
thing for deliuerie of Chapiters,
but onely Clerkes of Iustices in
their Circuits : and likewise, 13.
Edw. 1. cap. 10. in these words,
And

And when the time comineth, the Sheriffe shall certifie the Chapters before the Just. in Eyre, how many Articles he hath. Also Binton in the same signification bleth this word, cap. . . And at this day Chapters are called Articles for the most part, and are deliuered as well by the mouth of the Justice in his charge, as by the Clerks in writing, to the Enquest, where in ancient time they were, after an Exhortation giuen by the Justices, for the obseruation of the Lawes of the Kings peace, first read distinctly and openly in the full Court, and then deliuered in writing to the grand Enquest. An example of these Chapters there is in the Booke of Assises, fol. 138. Placito 44.

Chapleine.

Chapleine is he that performeth diuine seruice in a Chappell, and therefore is commonly vsed for him that dependeth vpon the King, or other man of worth, for the instruction of him and his familie, the reading of Scriptures and Preaching in his priuate house, where usually they haue a Chappell for that purpose.

And for that they are retained by Letters vnder the Seale of their Patron, and thereby by their retinement are to be released with them, the Law hath therefore giuen liberty for their Non-residence vpon their Benefices.

If an Eccle or Baron retaineth a Chapleine, and keepeth his

Et quant le temps vient, le Vicount certifiera les Chapitres deuant les Iustices en Eyre, quel nombre des bñes il ad. Auxy Bziz. en mesme signification vie cest pa. ol. cap. 3. Et a cest iour Chapitres sont appellees Articles, par l'greins part, & sont deliueres cybien par la bouche del Iustice en son charge. come per les Chartres en escript, al Enquest, ou en ancien temps ils furent, aps vn exhortation done par les Iustices, par le bon obseruation del Leyes & peage del Roy, primerment ly distinctement & appertir et en le lein Court, & donque deliuer en escript al grand Enquest. Vn exemple de ceux Chapitres la est en le Liure de Assises, fol. 138. Placito 44.

Chapleine.

Chapleine est celui que fait diuine seruice en vn Chappell, & par ceo est communement vse par celui que depend su le Roy ou autre homme de qualite, par l'entree de luy & son familie, l'execution de Orisons & Sermons en son priat maison, ou communement ils ont vn Chappel pur cel purpose.

Et par ceo que ils sont retene per Letters desouthe le Signet de leur Patron, & per ceo leur y entement de estre resant ou eux, le Ley ad donne liberte par leur non residence sur leur Benefices.

Si vn Count ou Baron deaigne vn Chapleine, & deuant son aduancement

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aduancement soit attainct de Treason, la le reteignier est determine, & apres le attainct, tiel Chapleine ne poet accept vn second Benefice, pur ceo que cestuy que est attainct est per son attainct vn mort person en Ley. Et queux psons de Nobilitie & auters poyent retein', & quant Chapleynes ils seueralment poyent reteine, l'act de 21. Hen. 8. cap. 13. bien declare.

La Feme dun Baron duront le Couerture ne poit reteigne vn Chapleine, vncore quant vn Baronnesse widdow reteigne vn ou deux, solonque le Prouiso del dit Act: cest reteignier est le principal matter, & si longe come le reteignier est en force, & le Baronnesse continue vn Baronnesse, les Chapleines bie poyent accepter deux Benefices p l'expresse letter del Act, car il suffist, si al temps del reteignier, le Baronnesse fuit Widdow. Et en ceo cest rule est destre entend dun Feme que atteigne Nboillie per Marriage, come p marriage dun Duke, Counr, ou Baron, &c. car en tiel case sel apres marrier desouth le Degree de Nobillie, per tiel mariage oue vn que est ignoble, el perde sa dignite a que el adatreine per marriage, & apres tiel datreine marriage, le poyar de reteyn vn Chapleine est determine. Mes auterment est ou feme est noble per descent, car la sa deueinet deuant ou apres le marriage oue vn que est ignoble sera en force, & neny

aduancement be attained of treason, there the Retainer is determined, and after the attainder such Chapleine cannot take a second Benefice, because he that is attained is by his Attainder a dead Person in Law. And what persons of the Nobilitie and others may retaine, & how many Chaplaines respectively they may retaine, the Statute of 21. H. 8. c. 13. doth well declare.

The Case of a Baron, during the Couerture cannot retaine a Chaplaine, yet when a Baronnesse Widdow retaineth one, or two, according to the Prouiso of the said Statute, the Retainer is the principall matter, and as long as the Retainer is in force, and the Baronnesse continueth a Baronnesse, the Chaplaines may well take two Benefices by the expresse Letter of the Stat. for it sufficeth, if at the time of the reteiner the Baronnesse were a Widdow: and herein this rule is to be observed of a woman that attaineth Nobilitie by marriage, as by marriage of a Duke, Earls, or Baron, &c. for in such case if she afterward marries under the degree of Nobilitie, by such marriage with one that is not noble; she loseth her dignite wherein she had attained by marriage, and after such latter marriage, the power to retaine a Chapleine is determined. But otherwise it is where a woman is noble by descent, for there her retainer before or after the marriage with one that is not noble, shall be in force, and is not

countermanded by the marriage,
nor determined by her taking of a
husband under her degree; Cok.
li. 4. fo. 118. i. 19.

countermaund per le mariage,
ne determine per sa prise d'un
baron desous sa degree, Co. li.
4. 118. 119.

Chapter.

Chapter in Latine is defined to
be an assembly of Clerkes in a
Church Cathedrall, conventuall, re-
gular, or collegiat, and in another
signification, a place wherein com-
mon tracts of men Collegiat are
made. and it hath other significa-
tions which appertain not to our
purpose: and it may be said that
this collegiat companie is termed
Chapter metaphorically, the
word originally implying a lit-
tle head, for this companie of cor-
poration is as a head, not onely
to rule and gouverne the diocesse in
the vacation of the Bishopricke,
but also in many things to advise
the Bishop when the See is full.

Charge.

Charge is where a Man grant-
eth a Rent issuing out of his
ground, and that if the rent be be-
hind, it shall be lawfull for him,
his heires, and assignes, to dis-
seine till the rent be payd, this
is called a Rent-charge. But if
one grant a Rent-charge out of
the land of another, though after
he purchase the Land, yet the
Grant is voyd.

Charter-land.

Charter-land is such as a man
holdeth by Charter, that is to

Chapter.

Chapter en Latine est défini
de estre congregationem Clericu-
rum in Ecclesia cathedrali, con-
ventuali, regulari, vel collegiata,
& en aut significac^o locum in quo
sunt communes tractatus collegia-
torum, & il ad autres significati-
ons que ne pas appent a nostre
purpose: & poet estre dit, que
ce collegiat society est appel-
Chapf metaphore, le pol ori-
ginalm^t implient vn petit teste,
car ce society ou corporation est
sicom^e vn teste, non sollement a
gard^r & gou^r le diocesse en la
vacation del Euesquery, mes
auzy en plusieurs choses d'adviser
Leuesque q^uat le Sea est pleine,

Charge.

Charge est lou vn home g^rant
vn rent issuant hors de son
terre, & que si le Rent soit
arere, que serra loyal a luy, ses
heires, & assignes, a disteyner
tanque le Rent soit pay, ce ap-
pel vn Rent-charge Mes si vn
grant vn Rent-charge hers del
terre d'un autre, roquent puis
il purchase la terre, vnsore le
grant est voyd.

Charter-land.

Charter-terre est tel que home
tient par charter, cest adire,
par

The Exposition of

per euidence en eſcript, & auterment eſt appel franktenement. Copihold Terres deuant le Conqueſt fueront p les Saxons appelle Folkland, & les Chart terres Bockland. Et Mounſieur Lambert en ſon explication de Saxo parols, dir, Que ceſt terre fuſt tenus oue plus facile & commodious conditions que folkeland ou Coppyhold Terre tenus ſauns eſcript : Et ſon reaſon eſt, pur ceo que il eſt vn frank & immune Inheritance, ou Terre ſans eſcript eſt charge oue payments & ſeruitude, & ſe le greind' part homes de nobilitie & bone qualite poſſeſſont le primer, lauer eſt poſſeſſe p lay & tuſtick hōes, le prim nous appellomus Franktenement, & per Chart, lauer eſtre al volunt dēt Seignior.

Si Ryot, Rout, ou illoyall aſſemble ſoit commiſe & fait, donque per le act de 19. H. 7. cap. 13. vint homes inhabitant deins le County ou le Ryot, &c. eſt fait, (de que cheſcun de eux auera terres & tenements deins meſme le countie, al annuel value de vint ſoulze de charterhold ou franktenement, ou vint & ſiz ſoulze de coppyhold) feront enquiry de ceo.

Charters.

CHarters de Terres ſont Eſcripts, Faits, Euidences, & instruments, fait de vn hōe al auſ, ſur aſcun eſtate conueyed ou paſſed porenter & x de terres

lay, by euidence in writing, which otherwiſe is called freehold. Coppyhold Lands before the Conqueſt, were by the Saxons called folkeland, and the Charter lands, Bockland. And Maſter Lamb. in his Explication of Saxon words, ſaith, That this land was held with more eaſie & commodious conditions than folkeland & Coppyhold land held without writing : And his reaſon is, becauſe it is a free & abſolute inheritance, where Land without writing is charged with paymēt and bondage ; that for the moſt part men noble and of good qualite poſſeſſe the ſarmer, the other is poſſeſſed by lay Country-men, the firſt we call freehold and by Charter, the other, Land at the will of the Lord.

If a ryot, rout, or vniuersall aſſembly be committed and done, then by the Statute of 19. Hen. 7. cap. 13. twentieth men inhabiting within the Countie where the ryot, &c. is made, (whereof euery of them ſhall haue lands and tenements within the ſame ſhire to the yearly value of twentieth ſhillings of charterhold or freehold, or twentieth ſix ſhillings of coppyhold.) ſhall make enquiry thereof.

Charters.

CHarters of lands are writings, deeds, euidences, and instruments, made from one man to another, upon ſome eſtate conueyed or paſſed betwixt them of lands

ou tenements, shewing the names, place, and quantitie of the land, the estate, time, and manner of the doing thereof, the parties to the estate deliuered and taken, the witness present at the same, with other circumstances.

ou tenements, monstrant les nommes, lieu, & quantitie del terre, le estate, temps, & man- ner del fessans de ycel, les par- ties a le estate deliuer & prise, les tesmoignes present al ceo, ou autres circonstances.

Charter partie.

Charter party.

Charter partie is an Indenture of couenants and agriments made betwixne Merchantes and Mariners concerning their sea affaires: and of this you may read in the statute now out of use that was made in 3. H. 8. cap. 14.

Charter partie est vn Indenture des couenans & agreemens fait entre Merchantes & Mar- ners touchant leur marizime affaires: Et de ceo poyes lier en lestatute ore obsolete fait 3. H. 8. cap. 14.

Chafe.

Chafe.

Chafe is taken two wayes, first to drive cattell, as to chafe a distresse to a Castle; secondly, it is used for a recit for Detre and brails of the forest, and is of a middle nature betwixen a forest and a park, being commonly lesse than a forest, and not endued with so many liberties, as with courts of attachment, swanimot, and Justice seat, and yet of a larger compasse, and hauing greater di- uersitie of keepers and game than a park. M. Crompt. in his booke of Jurisdic. f. 148. saith, That a forest may be in the hands of a subiect, but it presently loseth the name, and becometh a chafe: And yet fol. 197. he saith, That a sub- iect may be Lord and owner of a forest, the which notwithstanding that it seemeth contrarie, yet are both his sayings in some sense

Chafe est prise deux voyes, pri- mement a driuer cartel, si- come a chaser vn distresse a vn Fortlet; secondement, est vse pur vn recit pur Dames & auers del Forest, & est d'un nature pe- reater vn Forest & vn park, este- ant communement meins q vn Fo- rest, & ney endow que rours li- berties, come oue courts de at- tachment, swanimore, & iustice seat, & vne d'un plus large co- pas, & ayant plus diuersite del gardians & game q vn park. M. Crompt. en son liu de Jurisdic- tions, f. 148. dit, que vn Forest ne poit estre en les maines d'un sub- iect, mes il immediatmt perde le nomme, & deuiet vn chafe: Er vne f. 197. il dit, q vn subiect poit estre bar & own d'un forest, le quel n'est obstacle q seble contrary vn- core soit a bidex les dits, & aucun

The Exposition of

sence voyer; car le Roy poit don
ou alienater vn Forest a vn sub-
iect, vncore il l'ist q quant il est
vn foits en le subiect il perd le
voyer ppartie dun Forest, pur
ceo q les Courts de *Swainemote*,
Iustice seat & Attachment, immig-
diatm vanie; Nul esteant able
de faire vn Seignior Chiefe Ius-
tice in Eyre del Forest forsque
le Roy, sicome Monsieur *Mans-
ward* ad bien mostre en s^o liuer
de *Forest Leys* cap. 3. & 4. Et vn-
core poit estre grantus entiel
large manner q la poit estre At-
tachment & *Swainemote*, & vn
Court equivalent a vn Iust. seat,
come appiert p luy en mesme le
cap. Num. 3. Il l'ist que vn chasc
differt de vn Forest en ceo, pur
ceo que poit estre en les maines
dun subiect, q vn Forest en son
proper & voier nature ne poit
estre, & de vn Park en ceo, que
nest inclose, & ad n^o solamr vn
plus large espas & plustore de
Game, mes de Gardians auxy &
supervisors, *Vide Forest*.

Chauntry.

Chauntry Cantaria est vn
eglise en chappel endow oue
terres ou ane annuall reuenues
p le meintenance dū ou plurs
Prests, de Chaister Masse de iour
en iour p les almes des donors &
riels auters que ils appoint. Et de
ceux poies l'ist en lestatutes 37.
H. 8. cap. 4. & 1. E. 6. cap. 14.

Cherage.

Cherage est vn su d argent pay
per Villens a leur Seigniors

true; for the King may giue or al-
ienate a forest to a subject, yet
so, that when it is once in the sub-
iect, it loseth the true proprietie of
a forest, because the Courts of
Swainemote, Iustice seat, and At-
tachment, presently banish, none
being able to make a Lord chiefe
Justice in Eyre of the forest but
the King, as Master Manwood
hath well shewed in his Booke of
Forest Lawes cap. 3. & 4. And yet
it may be granted in such large
manner, that there may be At-
tachment and *Swainemote*, and a
Court equivalent to a Justice
seat, as appeareth by him in
the same Chapter Num. 3. So
thist a Chase differeth from a
forest in this, because that it
may be in the hands of a subject,
whiche a forest in his proper
nature cannot bee, and from a
Parke in this, that it is not in-
closed, and hath not onely a lar-
ger compass and more store of
Game, but of keepers also and
overseers, See Forest.

Chauntry.

Chauntry is a Church or chap-
pell indow with lands or other
preachy reuenues for the main-
tenance of one or more Priests, to
sing Masse daily for the soules of
the donors, & such others as they
appoint. And of these you may
read in the Statutes made 37. H.
8. cap. 4. & 1. E. 6. cap. 14.

Cherage.

Cherage is a summe of money
paid by Villens to their Lords

in acknowledgement of their service, the which Bracton Lib. 1. cap. 10. thus defineth; *Cheuagium dicitur recognitio in signum subiectionis & domini de capite suo.* It seemeth also to be used for a summe of money giuen by one man to another of power & might for his auowment, maintenance, and protection, as to their head or leader: After Lambert mentioneth it *Chiuage* or rather *Chieffage*.

Cheuisance.

Cheuisance comes from the French word *Cheuir*, that is to come to the end or head of a business. And because the perfecting of a bargain, is the directing of the matter to the head, this word *Cheuisance* is used for bargaining in the Statutes of 37. H. 8. cap. 9. & 13. Eliz. cap. 7. & 8.

Childwit.

Childwit, that is, that you may take a fine of your bondswoman, defiled, and begotten with child without your licence.

Chimin.

Chimin is the high way where every man goeth which is called *Via Regia*; and yet the King hath no other thing there but the passage for him and his people, for the freehold is in the Lord of the soile, and of the profits growing there, as trees, & other things,

en conusans de leur villenage, le quel Bracton lib. 1. cap. 10. ainsi define en Latin, *Cheuagium dicitur recognitio in signum subiectionis & domini de capite suo.* Semble auxy desire vse pur un summe d'argent done par un home al autre de poyer & potencie pur son auowment, maintenance & protection, sicome a leur teste ou conductor: Mais Lambert ceo escrie, *Chiuage* ou potius *Chieffage*.

Cheuisances.

Cheuisance venust del paroll Francois *Cheuir*, id est de vener al chieff de quelq chose. Et pur ceo que le perfection dun bargain est le porter del matier al fine & peroll *Cheuisance* est vse per bargainer en le Statutes. 37. H. 8. cap. 9. & 13. Eliz. cap. 7. & 8.

Childwit.

Childwit, hoc est, quod capiatur summa de natua vestra, corrupta & pregnata sine licentia vestra.

Chimin.

Chimin est le haut voy lou chieff, cun hōt passa q̄ est appel *Via Regia*, & vncore le Roynad auf chose la forsque le passage pur luy & son peuple, car le frankement, est en le Seignieur del soile, & tous les profits croissant la, cōc arbres, & auters choses.

The Exposition of

Ceo est diuide en deux sorts, *the Regia*, de que est parle deuant, & *Priva*, ou *Chiminas priuatus*, & ceo est vn voy p q vn hōc ou pluirs ont libertie a passer, ou p prescription, ou p charter. sur le terre d'un autre hōc: & ceo est diuide en chimin en grosse, & chimin appendant, *Kitch. fo. 177.* Chimin en grosse, est ceo voy que hōc tient principally & soleit en luy mesme: Chimin appendant est ceo q hōc ad adi. is a ascun autre chose, cōc appartenant a ceo. Pur exemple, si home prist vn close ou pasture, & ad couenant pur ingress & egress, al & de mesme le dit close pastori autre terre, p que auerit il ne poit passer: Ou Chimin en grosse poit estre ceo, q les *Ciuitians* appel personnel, Come quant vn couenant pur vn voy sur le terre d'un autre hōc pur luy mesme & ses heires: Chimin appendant ecounter, poit estre ceo que is appel real, scome quaut home purchase vn voy per le soie d'un autre home, pur tiels que inhabitoit ou inhabiteront en ceo ou cest meason, ou que sont les owners de tiel manor a tous iours.

Chiminage.

Chiminage, est vn toll que est done pur passage per vn Forest en disturbance des feres del Forest.

And it is diuided into two sorts, *the Kings way*, of which is spoken before, and a private Way, or private Passage, and this is a way by which one man or more have liberty to passe either by prescription, or by buying, through the land of another man: And this is diuided into a way in grosse, and a way appendant, *Kit fol. 177.* Chimin in grosse, is that way which a man holdeth principally and solely in it selfe: Chimin appendant, is that which a man hath aduyned to some other thing, as appertaining thereunto: for example, the man hath a Close or Pasture, and hath a couenant for ingress and egress, to & from the said Close through the ground of some other, through which otherwise he might not passe: Or a way in grosse may be that which the *Barons* call personally, as when one couenanteeth for a way through the ground of another man, for himselfe and his heires: A way appendant on the other side, may be that which they call real, as when a man purchaseth a way through the ground of another man, for such as doe dwell, or shall dwell in this or that house, or that be the owners of such a manor for ever,

Chiminage.

Chiminage, is a toll that is paid for a mans passage through a forest, to the disquiet of the wild beasts of the forest.

Chirographer.

Chirographer is he that in the common Bench office, ingrosseth fines acknowledged in that Court into a perpetual Record, after that they are acknowledged and fully passed, by the officers by whom they are first examined, and that writeth and delivureth the indentures, one for the buyer, & another for him that selleth, & maketh another indenture piece containing also the effect of the fine, which he delivureth over to the Custos breuium, that is called the foot of the fine. The Chirographer also or his deputy, proclaimeth all the fines in the Court every terme, according to the statutes, and then repairing to the office of the Custos breuium, there endoseth the proclamations by on the back side of the foot thereof, and alwayes keepeth the writ of Covenant, as also the note of the fine.

Chivalrie.

Chivalrie is a tenure of land by knights service, for the better understanding whereof it is to be knowne, that there is no land but it is held mediately or immediately of the Crowne by some service or other, and therefore all our freeholders that are to us and our heirs called fees, as proceeding from the benefit of the King for some small pecety rent, and the performance of such services as originally were imposed upon the

Chirographer.

Chirographer est celui que on le office del common bank, engrosse fines comes en ce Court en vn perpetual Record, puis que ils sont connus & pleinement passe, par ceux Officers par queux ils sont primerment examine, & que escrie & deliuer les Indentures, vn pur le purchaser, & autre pur le vendor, & fait vn autre esrow endressed, contenant auxy le effect del fine que il deliuer ouster al Custos breuium, que est appel le pee del fine. Le Chirographer auxy ou son deputy proclame tous les fines en le court chescun terme accordant al statute, & donques enalant al office del Custos breuium la endoce les proclamations sur le dorse del pee de ceo, & tous foies royaume le Briefe de rouenans, come auxy le note del fine.

Chivalrie.

Chivalrie est un tenement de terre per service de Chivalier, pour le mieux intelligence de que est ditte chose que la nesc' terre mes il est tenu mediatement ou immediatement del Corone per al service ou aux, & par ceo, tous nostre Prelates & q' soit a nous & a nostre heirs appel fees, che enfants de benefice le Roy par petit annuallite, & la performance de tiels services que originellement furent impose sur le

terre al donation de ceo : Car sicome le Roy done a ses Nobles ses immediates tenants grand possessions a tous iours a tener de luy & celui ou tiel rent & service, ainsi ils arere en temps diuide ouster, a tiels que pleist a eux, leur fies ainsi receiue del bonte le Roy purrents & services come a eux semble bien : Et ceux services sont tous p Little-ten diuide e deux sorts, Chivalrie & Socage; l'un martial & militaire, l'autre rural & rusticall. Chivalrie, Pur ceo, est vn tenure p q le tenant est lyc a pformer a scup noble ou militaire office a so Seignior, & est de deux sorts, ou Regal, cest assavoir, tiel q poit estre tenuz solement del Roy, ou tiel que poit auxy estre tenuz d'un common person cibien cqe del Roy. Ceo q poit tener solement del Roy, est proprement appel *sergintum* ou *sergeantia*, & est auxy, ainsi diuide e Grand & Petit Sericanty : Grand Sericantie est ceo ou hôte tient terres del Roy p service que il deuoit faire en son person demesne a luy, come a port le ban le Roy, ou son lance, ou de amesner son hoast, ou de estre son marshall ou a vider vn cornu quant il vief ses ennemis inuade le terre, ou de trouer vn home arroy de pugner deins le quater mores, ou de faire ceo luy m, ou de porter le espee le Roy deuant luy a son Coronation, ou a cel iour de estre son sewer, caruer, butler, ou chamberlaine.

Petit Sericanty est ou vn homme

land at the giving thereof; for as the King gaue to his Nobles his immediat tenants great possessions for euer, to hold of him for such or such rent and service, so they againe in time parcelled out to such as pleased them, their lands so received of the Kings bounty, for rents and services as to them seemed good. And the services are all by Little divided into 2. sorts, Chivalrie and Socage; the one martiall and military, the other slesonish and rusticall. Chivalrie therefore is a tenure whereby the tenant is bound to performe some Noble or military office to his Lord, and is of two kinds, either Regall, that is to say, such as may be held onely of the King, or such as may also be held of a common person as well as of the King. That which may hold onely of the King, is properly called *seruitum* or *sergeancia*, and is also againe diuided into Grand and Petit Sericantie : Grand Sericantie is that where a man holdeth lands of the King by service which hee ought to doe in his owne person vnto him, as to carry the Kings banner or his speare, or to lead his hoast, or to bee his marshall, or to blow a horne when he seeth his enemies inuade the land, or to find an armed man to fight with in the four leas, or to doe it himselfe, or to carry the Kings wood before him at his Coronation, or at that day to bee his sewer, caruer, butler, or chamberlaine.

Petit Sericantie, is where a

man holderh land of the King to pay vnto him verely a boyn, or a sword, or a dagger, or a knife, or a speare, or a paire of gloves of maille, or a paire of spurres of gold, or to giue such other small things concerning the war.

Chivalrie that may hold of a common person as well as of the King, is called Escuage, service of the theild, and this is either by certaine or certaine. Escuage by certaine is also of two kinds; first, where the tenant by his tenure is bound to follow his Lord going in person to the Kings warres against his enemies, either himselfe, or send a sufficient man in his place, thereto be maintained at his costs so many dayes as were agreed vpon betwene the Lord and his first tenant at the granting of the fee. And the dayes of such service seem to have bene rated by the quantitie of the land so held: As if it extendeth to a whole knights fee, then the tenant was bound so to attend his Lord 40. dayes; and a knights fee was so much land as in those dayes was accounted a sufficient living for a knight, and this was 80. acres, by the opinion of some, or eight hundred as others thinke, or fiftene pounds by the peare; Cambdens Brittan. fol. 110. If the land extendeth but to the moiety of a knights fee, then the tenant is bound to follow his Lord, as is aforesaid, but 20. dayes; if a fourth part, then ten dayes; Firz. N. B. fol. 83. c. & 84. c. The other kind of Escuage

tient tre del Roy d'atender a luy annuals vn arke, ou vn espee, ou vn dagger, ou vn cutel, ou vn lance, ou vn paire de gans de ferre, ou vn paire de spors d'ore, ou d'ea autr tiels petit choses touchant le guerre.

Chivalrie que poit tener d'un comon pson cibien cõe del Roy, est appel escuage. *seruitium scuti*, &c. est ou vncertaine ou certaine. Escuage vncertaine est auxy de deux sorts, primerment, ou le tenant p son tenure est lie d'attinger son Seignior alant en pson al guerres le Roy euer ses enemies, ou luy mesme ou mitter vn sufficient hõe en son lieu la destre maintaine a les costants des iours, cõe fueront agreee perentex le Seignior & son primer tenant al grantant del fee. Et les iours de tel service, semble destre assesse per le quantity del terre illint tenu; qõe si cõe extend a vn entler fee de Chivaler, donque le tenant est lie illint d'attender son Seignior 40. iours; & vn fee de Chivaler suit tant de terre come en ceux iours suit accouns vn sufficient viuer pur vn Chivaler, & cõe suit 680. acres, p l'opinio de alciun, ou 800. cõe auers semblont, ou 15. livers p l'an; Cambdens Brittan. fol. 100. Si le terre extend a moitié d'un fee de Chivaler, donque le tenant est lie d'attender son Seignior, come est auant dit, mes 20. iours, & a vn quart d'un donque 10. iours, Firz. N. B. fol. 83. c. & 84. c. Laquer l'kind d'Escuage vncertaine

certaine est appel Castle-gard, ou le Tenant par son fre est lie, ou per luy mesme, ou per aucun autre, a defender vn castle si tost come aueha a son course.

Escuage certaine est ou le Tenant est assise a vn certaine somme d'arge de estre pay en lieu de tel vacertaine seruitee, come si vn home payera annuallment par vn fee de Chivalier, xx. s. par le moity to. s. ou aucun tel rate. Et cest seruitee, par ceo que est trahe a vn certaine Rent viene de estre dun mixt nature, n'est merement Socage, car ne est pas de del castle, & encore Socage en effect, estant l'home neque personall seruitee, neque vacertaine. Cest Tenure appelle Chivalerie ad autres Conditions annexes a ceo, come Homage, Fealty, Guardianship, Reliefe, & Marriage, *Bract. lib. 2. ca. 37.* & c. Il signifie, veles en lour several lieux. Chivalerie est ou general ou special. *Dyer fol. 161. plac. 47.* General semble de estre ou est solement dit en le feoffement si le Tenant tient per *seruitium militare*, sans aucun specification de Sergeantie, Escuage, &c. Special est ceo que e declare particulièrement per quel kind de seruitee de Chivalerie il tient.

Chose en Action.

Chose en Action est quant vn home ad cause, ou poyr porter vn Action par luy due a luy, ou vn acc de Debt sur vn Obligation, Amittie, ou rent, Action de Contract, ou Bar,

incertaine is called Castleward, where the tenant by his lands is bound either by himselfe or some other, to defend a Castle as often as it shall come to his turne.

Escuage certaine is where the Tenant is assised to a certaine summe of money to be paid in stead of such incertaine seruitee; as that a man shall pay yearly for a knights fee xx. s. for the halfe ten s. or any such rate. And this seruitee because it is bound to a certaine rent, cometh to be of a mixt nature, not merely Socage, for it smelleth not of the Bloim, and yet Socage in effect, being now neither personall seruitee, nor incertaine. This Tenure called Chivalrie hath other conditions annexed therunto, as Homage, Fealty, Guardianship, Reliefe, and Marriage, *Bract. lib. 2. cap. 37.* And what they signifie, see in their several places. Chivalrie is either general or special. *Dyer fol. 161. placito 47.* General seemeth to be where it is only said in the feoffment, that the Tenant holdeth by knights seruitee, without any specification of sergeantie, escuage, &c. Special is that which is declared particularly what kind of knights seruitee he holdeth by.

Things in Action.

Things in Action is when a man hath cause, or may bring an action for some duty due to him, as an Action of Debt upon an Obligation, amittie, or rent, Action of Contract, or Bar,

Trespasse of goods taken away, beating, or such like, and because that they are things whereof a man is not possessed, but for recovery of them is given to his Action, they are called things in Action. And those things in Action that are certain, the King may grant, and the grantee may bring an Action for them in his own name only. But a common person cannot grant his thing in Action, nor the King himselfe cannot grant his thing in Action, which is uncertaine, as Trespasse, and such like.

Trespas des biens incertains, Batteury, ou tiels semblables, & pour ce que ils sont choses de quoy un homme n'est possesse, mais pour recouerie de eux. est mis a son Action, ils sont appellez choses en Action. Et cecy choses en action que sont certaines, le Roy peut grantir, & le Grantee peut user un Action pur eulx en son propre nom seulement. Mais un commun person ne peut grantir son chose en action, ne Roy luy mesme ne peut grantir son chose incertaine, c'est Trespasse, & tiels semblables.

Churchwardens.

Churchwardens are Officers yearly chosen by the consent of the Minister and the parishioners, according to the custom of every severall place, to see to the Church, Churchward, and such things as belong to both, and to make the demands of the parishioners for such faults as appertain to the jurisdiction or residue of the Ecclesiasticall Court. These are a kind of Corporation, and are enabled by Law to sue for any thing belonging to the Church, or the Dore of the Parish. See Lambart his Booke of the duty of Churchwardens.

Churches.

Churches are a kind of Corporation. Fl. 1. l. c. 47. In the first part thereof it signifieth a certaine number of men, some which in

Gardiens d'Eglise.

Gardiens d'Eglise sont Officiers annuellement esleuz par le conseil del Ministre & des paroissons, acording au costume de chascun severall lieu, a voir al Eglise, Cimetier, & tiels choses qui appert al ambidex, & de observer le gouv. des paroissons, pur tiels crimes qui appertient al jurisdiction ou residue del Court Ecclesiasticall. Cens sont un kind de Corporation, & sont enablez par Ley, de suir pur eulx cun chose appartenant a l'Eglise, ou les Pouers del Paroche. Voir Lambart son Livre del dute des Gardiens del Eglise.

Churches.

Churches est un parol de multitude de personnes, qui en la fin, signifient une certaine nombre de personnes, qui en la fin, signifient une certaine nombre de personnes, qui en la fin, signifient une certaine nombre de personnes.

*quidam etiam Sanctæ Ecclesiæ de
Sancti Martini tempore tam Bri-
tannum quam Anglorum contribuere
runt. Plures tamque Magnates,
post Romarum adventum illam
contributionem secundum veterem
Legem Moysi, nomine primi-
tiarum dabant, prout in breue
Regis Karuti ad summum Pontifi-
cem transmissa, continetur, in qua
illam contributionem Chirchsed
appellant, quasi semen Ecclesiæ.*

Cinque Ports.

*Cinque Ports sont certaine Ha-
uen Villes, cinque en nombre,
cesta scavoire, Hastings, Romney,
Heth, Douer, & Sandwich, as
queux ad este grant long temps
paissie mult liberties, (que autres
port villes nont) & ceo prisi-
ment en le temps del Roy Ed-
wards appel le Confessor, (que
sunt deunt le conquest) & fust
increasé apres, & ceo especial-
ment en les iours del troyt
Edwardes, le prisme, second, &
tertierce, (apres le Conquest)
poune appertre in le liu d' Dome-
day, & autres vieux monuments,
queux en ce liu serrent trope
longe de recite.*

Circuitie de Action.

*Circuitie de Action est quant vn
Action est assignee almet porte
pur vn duxie, mes vncore circu-
de Buis, come stable, par ceo
que ceo port cybien estre deter-
ment respondre & determine, &
desuit (sic) & par ceo que meisme*

times past every man on St. Martin's
day gaue to Holy-Church, as well
in the time of the Britons as of the
Engl yet many great persons after
the coming of the Romans, gave
the Contribution, according to the
ancient Law of Moses, in the name
of first Fruits, as in the writ of King
Karutus sent vnto the Pope, is con-
tained; in which they call that
Contribution *chirchsed*, as one
would say, Church-seed.

Cinque Ports.

*Cinque Ports bes certaine Hauens
tothones siue in number, that is
to say, Hastings, Romney, Hethe,
Douer, and Sandwich, to
which haue beene granted long
time since, many liberties, (that
other port tothones haue not) and
thos first in the time of King Ed.
called the Confessor, (who was
before the Conquest) and hath
been increased since; and that
chiefly in the dayes of the 3. Ed-
wards the first, the second, and
third. (since the Conquest) as
appareth in the booke of Dome-
day, and other old Monuments,
which in this worke shoulde be too
long to recite.*

Circuitie de Action.

*Circuitie de Action, is when an
action is rightfully brought for
a duty but yet about the buis, as
it were, for that it might as well
haue beene otherwise answered
and determined, and the suit la-
ued, and because that the same
action*

action was more than needfull, it is called Circuit of action: As if a man grant a rent-charge of x. li. out of his Manor of Dale, and after the Grantee disseiseth the Grantor of the same Manor of Dale, and he bringeth an Assise and recupereth the land and xx. li. damages, the which xx. li. being paid, the grantee of the rent sueth his Action for x. li. of his rent due during the time of the disseisin, which if no disseisin had bene he must have had, this is called circuitie of action, because it might have bene more shortly answered, so; whereas the Grantor shall receive xx. li. damages, & pay x. li. rent, he might have received but the x. l. onely for the damages, and the Grantee might have cut off and kept back the other x. l. in his hands, by way of detainer for his rent, and so thereby might have saved his Action.

Action fut plus que besoigne, il est appel circuit de Action. Comme vn home grant vn rent-charge de x. l. hors de son Manor de Dale, & apres le Grantee disseisist le Grantor de mesme le Manor de Dale, & il port vn Assise & recoü le terre & xx. l. damages, le quel xx. l. estoant pay, le Grantee del rent sue son action p x li. de son rent due durant le temps de le disseisin; le quel si nul disseisin ad este, il doit auer ewe, Cest appel Circuitie de Action, & ceo que il poit auer este plus briefement respondue, car lou le Grantor doyt recevoir xx. li. damages, & pay x. li. rent, il puit auer receiue forsque le x. li. solement pur les damages, & le Grantee puit auer rehoupe & retaine arere le surer x. l. en ses maines per voy de deteyner pur son rent, & issint per icel poert au saue son Action.

Circumstantibus.

Circumstantibus is a word of Art, signifying the supply and making up of the number of Jurors, if any impanelled doe not appeare, or are challenged by either party, by adding to them as many others of them that are present and standers by. See 35. Henr. 8. cap. 6. & 5. Eliz. cap. 25.

Cicumstantibus.

Cicumstantibus est vn parol de Art, expressant le supplie & addition del nombre de Jurors, si ascun impanel ne appareont pas, ou sont challege per ascun party, per adding a eux cy plus autres de eux que sont presentes & circumstantes. Vide 35. H. 8. cap. 6. & 5. El. cap. 25.

Citie.

City is such a Colone Corporate as hath a Bishop and a Cathedral;

Citie.

Citie estiel Ville Corporate q ad vn Sursedeant & vn Cathedral;

The Exposition of

Cathedral de deux diocèses par où
sont trois, Item Locum, Vrbs,
Ciuitas, & Oppidum appella-
tur; Cluicta bñ. dicitur, quate-
nus cum i. bñ. & Magistratibus
ordine gubernatur; Oppidum,
quatenus ibi copia Incolarum;
& Vrbs, quatenus Mors dñi in
modo cingitur: Proprie autem di-
citur Ciuitas, que habet Episco-
pum. Vincoro Mounieur Cromp-
ton, en son I. n. s. d. tions, ou il
mention toutes les Cités. anst.
Elye, nient obstant que ad vn
Euesque, & vn Eglise Catho-
dral, & mntà cins Westminster,
nient obstant que la mesme
nec aucun Euesque. Ex 35. El.
ca. 6. Westminster est appel vn
Citie: Ex anno 27. eiusd. cap.
9. (de statutes nient imprimee)
Westminster est equalment ap-
pel vn Citie ou Borough. Il
appiet per le Statute de 35. H.
8. cap. 10. que donques la suit
vn Euesque de Westminster.
Cassanens escrie, Que France
ad deins les Territoires de ceo
104. Cities, & il rena cest rea-
son de ceo son dit, Pur ceo que
le soit xy plusieurs Sees de Ar-
chieuesques & Euesques.

Dial Church, and hence City
words are found; The same place
is called *Præfinitas*, and *Oppidum*;
It is called *Ciuitas*, in regard that
it is governed in justice and order
of Magistracie; *Oppidum*, for that
there are therein great plenty of
Inhabitants; and *Vrbs* because it
is in due forme begirt about with
walls. But that place is commonly
called *Ciuitas* which hath a Bishop.
Pet. M. Cromp. in his Iudicatio-
nis, whete he reckoneth vp all the
Cities, leauerh out Elic, although
it hath a Bishop & a Cathedral
Church, and putteth in Westmin-
ster, notwithstanding that now it
hath no Bishop. And 35. El. ca. 6.
Westminster is called a Citie;
and An. 27. eiusd. ca. 9. (of Statu-
tes not printed) Westminster is
alternatively called a Citie or
Borough. It appeareth by the
Statute of 35. H. 8. cap. 10. that
then there was a Bishop of West-
minster. Callanens writeth, That
France hath within the Territo-
ries thereof 104. Cities, and he
giueth this reason of that his la-
ing, because that there are so ma-
ny Sees of Archbishops and Bi-
shops.

Clack.

Clack, sicke a clacker, forcer &
bard Lane, 8. H. 6. cap. 25. du q.
le primer, viz. de clacker l. 5. c. 2. ff.
descinder le marke des Barbits.
Il fait ceo destre de meind pous,
& il linc de paier l' meind custoe
al Roy: de forcer Lane, est de
clap & le ouster & plusieurs autres

Clack.

Clack, as to clack, force and bards
mooll, 8. H. 6. ca. 22. Inhereof
the first, viz. to clack mooll, is to
cut off the marke of the sheep,
which maketh it to weigh lesse,
and so to pay the lesse custome to
the King: to force mooll, is to
clap the breech and most hairy part
of

of it: to bare or beare woodl, is to cut the head and neck from the other part of the fleece.

pt de ceo: de bard, ou bearg Laje, est de scinder le tesse & colle del autre part del toysoir.

Claime.

Claime.

CLAIME is a challenge by any man, of the propriety or ownership of a thing which he hath not in possession, but is withholden from him wrongfully: and the party that so maketh this claim, shall haue ther by a great advantage, for by it in some cases he may auoyd a discent of lands, and by it in other cases he may saue his Title, which otherwise should be lost. As if a man be disseised, and the disseisor maketh continuall claim, that is to say, if he claime the lands whercof hee is disseised, within the yeare and day before the death of the disseisor, then may hee enter notwithstanding the discent: Also if a fine be leuied of another mans land, then hee that hath right thereunto, ought to make his claime within five yeares after the proclamation had, made, or certified, and this is by the statute of 4. H. 7. cap. 24. But a stranger that hath no right cannot of his owne head enter, or make claime in the name of him that hath right to auoyd the fine within the five yeares, without commandement precedent, or assent subsequent: yet guardian for education, or in Socage, may enter or make claime in the name of the infat that hath right to enter or make claim, and this shall helpe the estate of the

CLAIME est vn challenge per aucun home, de le proprietie ou ownership de vn chose que il n'ad en possession, mes est de teigne de luy tortioursment, & le party que il luy fait son claim, prendra per ceo vn grand advantage: car en aucun cases il poyt per ceo auoyder vn discent de terres, & en aucun case il per ceo sauera son title, que autrement serroit perde. Come si home soit disseise, & le disseise fait continuall claim, cest adire, si clamer les terres dont il est disseise, deins le an & iour deuant le mort. le Disseisor, donc que poit il enter, nient obstant le discent. Auxy si fine soit leuie del terre a vn autre home, donc que cestuy que ad droyt a ceo, doit faire son claim deins cinque ans apres le Proclamation ad, fait, ou certifie, & ceo est per Lestatute de 4. H. 7. cap. 24. Mes vn estranger que nul droit ad ne poit de son teste demesne enter, ou faire claim, en la noime de cestuy que droit ad de auoyder le Fine deins le cinque ans, sauns commandement precedent, ou assent subsequent: vncore gardien par nurture ou en Socage, poit enter ou faire claim en le noime del enfant que ad droit de enter ou faire claim, & ceo aydera l'estate del enfant;

The Exposition of

enfant, sans aucun commandement, ou assent, car la est priuie entre eux.

infant, without commandement, or assent, for there is priuie betwene them.

Clergie.

CLergie est prise diuers voyes, ascun fois pur tout le nombre de hōes de Religion; ascun fois pur vn plee a vn iudicement, ou Appeale; & est define destre vn auncient Liberte de eglise, confirmee en diuers Parliaments. Et est qāt vn hōe est arraigne de Felony, ou tiels semblables, deuant vn temporal Iudge &c. & le prisoner pria son Clergie, cest adire, pur auer son lieur quel en ancient temps fult auxāt lcome il vst prie destre dismise del Tēporall Iudge, & dēc deliuer al Ordinarie de purger luy mesme de m̄ offence: Et dōques le Iudge cōmandera le Ordinarie de trier s'il poit lier cōe vn Clerke en tiel lieur & lieu cōe le Iudge assignera. Et si le Ordinarie certifie le Iudge que il poit, donques le prisoner nauera iudgement de perdre son vie; Mes c'est liberte de Clergie est restraine per les Statutes de 8. Eliz. cap. 4. an. 14. eiusd. ca. 5. cap. 5. an. 18. eiusd. cap. 4. 6. 7. & 23. eiusd. cap. 2. & 29. eiusdem cap. 2. & 31. eiusd. cap. 12. & 39. eiusdem cap. 9. & 15. Vics Cromptons Iustice de Peace fo. 102. &c. Et Stamford lib. 2. cap. 41. Et Statute de 18. Eliz. cap. 7. per q̄ Clerkes ne sont destre deliuer a leur Ordinaries destre purg', mes iāmes chescū hōe, comene nient deins orders, est mis a lier al baire

Clergie.

CLergie is taken diuers wayes, sometimes for the whole number of Religious men; sometimes for a plea to an Iudicement, or Appeale: and is defined to be an ancient liberty of the Church, confirmed in diuers Parliaments. And it is when a mā is arraigned of felony, and such like, before a temporal Iudge, &c. and the prisoner prayeth his Clergie, that is to say, to haue his booke, which in ancient time was as much as if he desired to be dismised from the temporal Iudge, and to be deliuered to the Ordinary to purge himselfe of the same offence: and then the Iudge shall command the Ordinary to trie if hee can read as a Clerke in such a booke and place as the Iudge shal appoint. And if the Ordinary certifie the Iudge that he can, thē the prisoner shall not haue iudgement to lose his life; but this liberty of the Clergie is restrained by the Stat. of 8. Eliz. ca. 4. an. 14. eiusd. ca. 4. 6. 7. & 23. eiusd. ca. 2 & 29. eiusd. ca. 2. & 31. eiusd. ca. 12. & 39. eiusd. ca. 9. & 15. See Crompt. Iustice of Peace fol. 102. &c. And Stamford lib. 2. ca. 41. And the Statute of 18. Eliz. ca. 7. by which Clerks are not to be deliuered to their Ordinaries to be purged, but nōe euery man though not within orders, is put to read at the baire being found

guiltie, and committid of such felony for which this benefit is still granted; & is burned in the hand, and set free the first time, if the Ordinarie Commissary, or Deparie Layth, He readeth as a Clerk, or other wise he suffereth death by his transgression.

estcāt tunc culpable & conuict de tiel felony p que cest benefit est vncore grant & issint arse en le maine; & enlarge pur le premier temps, si le Commissarie ou depuie del Ordinary dit, *Legit ut Clericus*, ou autrement il souffre mort pur son peche.

Clerke.

CLeke hath two significations; one as it is the title of him that belongeth to the holy Ministry of the Church; that is in these dayes either Minister or Deacon of what other degree or dignitie soeuer, although that in ancient time not onely Sacerdotes & Diaconi, but also Subdiaconi, cantores, Acoluthi, Exorciste, and Osiarii, were within this account, as they are at this day where the Canon Law hath full power: And in this signification a Clerke is either religious (otherwile called regular) or secular, H. 4. cap. 12.

The other signification of this word, noteth such as by their function or course of life, vse their pen in any Court or otherwile, as namelie the Clerke of the Rolles of the Parliament, Clerks of the Chancery, and such like.

Clerke attaint.

Clerk attaint is he, which prayeth his Clergie after iudgement giuen vpon him of the felony, and hath his Clergie allowed, such a Clerke might not make his purgation.

Clerke.

Clerke ad deux significations; vn cōe est le title de celuy que appertinent al sanct ministrie del Eglise, celsaueoir, en ceux iours, ou minister ou deacon de quicunque autre degree ou dignite tieur, obstant q en prillint temps non solent Sacerdotes, Diaconi, mes auxy Subdiaconi, Cantores, Acoluthi, Exorciste, & Osiarii fuerōt deins cest accorde, sicome ils sont a cest iour ou le ley Canons ad pleine poier: Et en cest signification vn Clerke est ou religious (aufint appel regular) ou secular, 4. H. 4. cap. 12.

L'autre signification de cest parol, denote tiels que par leur fonction ou course de vie, vsont leur plume en aucun Court ou auerrent, come nosmeint le Clerke des roiales del plaist, Clerks del Chancery, & ties semblables.

Clerke attaint.

Clerke attaint est celuy, qui pnt son Clergie apres iudgement sur luy done de Felony, & ad son Clergie allow, tiel Clerke ne peut faire son purgation.

The Exposition of

Clerke conuict.

Clerke conuict est celuy, que pria le Clergie deuañt iudgement done sur luy de le Felonie, & adle Clergie a luy grant, tiel Clerke puit faire son purgatiõ. Nota que cel purgatiõ fuit fait, quant il fuit dismisſe al Ordinarie, la destre triedel enquest del Clerkes : Et que ceo ore per le stat. 18. Eliz. cap. 7. nul tiel est misſe al Ordinarie.

Clerke conuict.

Clerke conuict is he, which prayeth his Clergie before iudgement given vpon him of the felonie, and hath his Clergie to him granted, such a Clerk might haue his purgation. Note that this purgation was made, when he was dismissed to the Ordinary there to be tryed of the enquest of Clerks : And therefore now by the stat. of 18. Eliz. cap. 7. no such is put to the Ordinarie.

Cloſh.

Cloſhe ou Cloſſe est vn illoyal game prohibit p l'ſtatute fait en l'an 17. E. 4. cap. 3. Et est inhibi- bit auxy per leſtatute de 33. H. 8. cap. 9. Mes icy est plus pro- perment appel *Clash* ; car est le mitter dū boule as neuf eſping- les de boys, ou neuſe ſhank bões dun beefe ou chiuall, & est ore vſualment appell *Kailes* ou *Kyles*, del greeke paroll *Κύλον*, id est, *Iaculum*, propter ſimilitudinem quam habent cum *Iaculo*.

Cloſh.

Cloſh is an vnlawfull game for- bidden by the Statute made in the 17. yere of E. 4. cap. 3. And it is inhibited also by the Statute of 33. H. 8. cap. 9. But there it is more properly cald *Clash* ; for it is the throoting of a *Boule* at nine pins of wood, or nine ſhank bones of an Ox or Hoſe, and it is now ordinarily cald *Kailes* or *Kiles*, of the greeke word *Κύλον*, id est, *Iaculum*, a dart, for that they are like a dart.

Coadiutor.

Coadiutor al diſſeiſin est celuy, q̄ oue auter diſſeiſe vn de ſon Frãkenem̄t, al vſc del auter, & il ſerra punie come vn diſſeiſor, mes il neſt tiel diſſeiſor q̄ gaine &c. q̄ gaine le Frãktenem̄t, mes le Frãktenem̄t veſt & eſt tout en celuy, a que vſc le diſſeiſin fuist commit, come appiert en *Littleton lib. 3. cap. 3. de Joine- nants*,

Coadiutor.

Coadiutor to the diſſeiſin is he, which with another diſſeiſeth one of his freehold, to the vſc of the other : and he ſhall be puniſhed as a diſſeiſor, but he is not ſuch a diſſeiſor which gaineth the free- hold, but the freehold beſteth and is all in him to whose vſc the diſſeiſin was committed, as it appeareth in *Littleton lib. 3. cap. 3. of Joine- nants*.

Cocket.

Cocket is a seale pertaining to the Kings custome-house, & it signifies also a scroble of parchment, sealed and deliuered by the Officers of the Custome-house to Merchants, as a warrant that their merchandize are customed: this word is vsed in the old Statutes now expired, of 14.E.3. Stat. i. cap. 21. & 11. H. 6. cap. 16.

Coyne.

Coyne is a word collective, which containeth in it all manner of the seuerall stamps and portraictures of money. And this is one of the royall Prerogatives belonging to euery Prince, that he alone in his owne Dominions may order and dispose the qualitie and fashions of his coyne. And although that this is the summe of all traffique and commerce, yet the coynes of one King is not currant in the Realmes of another King: commonly, vniuerselle at great losse.

If a man bindeth himselfe to pay an hundred pounds of lawfull money of England to another, and at the day of payment some of the money chance to be Spanish coyne or French coyne, there the obligation is well performed, for both the one and the other are by Proclamation made currant & lawfull money of England: And the King by his absolute Prerogative, may make any forreine Coyne lawfull money of

Cochet.

Cochet est vn seale que appartient al Custome-house, le Roy & signifie auxy vn escroble del parchement seale & deliuer p les officers del Custome-house as Merchants, come vn garrant q leur Merchandizes sont customes: cest parol est vsé en lexeux Stat. ord expires, faits 14.E. 3. Stat. i. ca. 21. & 11. H. 6. cap. 16.

Coigne.

Coigne est vn parol collectif, q containe en ceo tous maniers del seuerall stamps & portraictures de numme. Et ceo est vn des royales Prerogatives appendant a chescun Prince, que il solement en ses terres demesne poit order & dispose le qualite, quantity, & fashions de son colgne. Et comment que ceo est le nerue de tout merchandise & commerce, vncore le coigne d'un Roy nest currant en l's roialmes d'un autre Roy, communement, sinon al grand perde.

Si home oblige luy mesme de rendre cent lieurs de loyal Coigne Dengleterre, a vn autre, & al iour de payment aucun argent happa destre Coigne Despaigne ou de Francoys, ore l'obligation est bien performe, car & l'un & l'autre per proclamation sont faits currant & loyal monny Dengleterre: Et le Roy per son absolute Prerogative poit faire aucun forreigne Coigne, loyal Coygne

K ; Dengle-

Dengleterre a son p'asure per
 sa Proclamation: En case ou h'c
 est de pay rent a son lessor sur
 condition de re-entrie, & le lessor
 paye le rent a son lessour, & il ceo
 receue & mitra ceo e son bourse,
 & puis in reuiewant de ceo a
 mesue le temps, il trouua entre
 les deniers q' il ad receue aucun
 counterfeit peeces, & sur ceo il
 refuse demporter les deniers
 mes re-entier pur le condition
 enfreint, ore son entrie nest
 loyal, car quauq' il an except
 les deniers, ceo fuit a son pe-
 ril, & puis cest allowance, il ne
 prendra exception al aucun de
 eux.

Codicill.

Codicill est le volunt ou testa-
 ment dun home touchant ceo
 q' il voit auer dee fait apre son
 mort sans le nomination d'aucun
 Executor. Ou auterment il est vn
 addition ou supplement adde al
 vn volunt ou testiment apres le
 finier de ceo, pur le supply d'au-
 chos: que le testitor ad oblie, ou
 pur ayder aucun defect en le
 testament. De ceo poyes lier
 plus en Swinborne des volunts
 & testaments parte. 1. §. 5. num.
 1. 3. &c.

Collaterall.

Collaterall est ceo, que vient
 einsi ou adhero al latre dun
 chos: c'oe Collaterall assurance,
 est ceo que est fait ouster &
 preter le fait mesme: Pur

England at his p'asure by his
 Proclamation: In case where a
 man is to pay rent to his Lessor
 upon condition of re-entrie, and
 the Lessor payeth the rent to the
 Lessor, and he receiveth it and
 puts it in his purse, & afterwards
 upon reuiew at the same time, he
 findeth amongst the money th'at
 he hath received some counterfeit
 peeces, and he hereupon refuseth
 to take away the money but re-
 enters for the condition broken,
 ther: his entrie is not lawfull,
 for when he hath accepted the
 money, this was at his perill,
 and after this allowance he shall
 not thin exception to any of it.

Codicill.

Codicill is the will or Testa-
 ment of a man concerning that
 which he would haue done af-
 er his death without the appointing
 of an Executor. Or it is an ad-
 dition or supplement added vnto
 a will or Testament after the
 finishing of it, for the supply of
 some thing which the Testator
 had forgotten, or to helpe some
 defect in the will. Of this you
 may reade more in Swinbournes
 Wills and Testaments, parte. 1.
 §. 5. num. 1. 3. &c.

Collaterall.

Collaterall is that which con-
 necteth in or adhereth to the side
 of any thing, as Collaterall as-
 surance is that which is made e-
 uer and beside the Deed it selfe:

for example, if a man couenanteth with another, and entreth bond for the performance of his covenant, the bond is said collateral assurance, because that it is external and without the nature and essence of the covenant. And Crompton fo. 181. sayth, That to be subiect to feeding of the Kings Deer is Collateral to the soyle within the Forest. In the like manner we may say that the liberty to pitch sheads or standings for a faire in the soyle of another man, is Collateral to the land. The private woods of a common person cannot be cut downe without the Kings licence, for it is a prerogative collateral to the soyle, Min. Part. 1. pag. 66. Collateral Warrantie, See title Warrantie,

example, si home couenant oue vn autre, & luy oblige p le performance de son covenant, l'obligation en appel Collateral assurance pur ceo que est external & sans le nature & essence del covenant. Et Crompton fol. 181. dit, que destre subiect al depasturing des Dames le Roy, est collateral al soyle deines le Forest. En mesme le manner pour nous le diser, que libertie a pitcher sheads ou stalles pur vn Faire en le soile d'un autre hôte, est collateral al terre. Le priue bois d'un common person deins le Forest ne poit estre succide sans le licence del Roy, car il é vn prerogative Collateral al soile. Mann. Part. 1. pag. 66. Collateral Garranty, Vide tit. Garranty.

Collation.

Collation is properly the bestowing of a Benefice by the Bishop, that hath it in his owne gift or patronage, and differeth from institution in this, for that institution into a Benefice is performed by the Bishop at the motion and presentation of another, who is part of the same church: or hath the patrons right for that time; yet Collation is used for presentation in 25. E. 3. Stat 6. And there is a writ in the Regist. 31. b. called de Collacione facta uni post mortem alterius, &c. directed by the Justices of the Common Pleas, commanding them to direct their writ to the Bishop for the admitting of a Clerk in the

Collation.

Collation est proprement le dotation d'un benefice per Leuefque, que ceo ad en son done ou patronage demesme, & differt de institution en ceo, pur ceo que institution en vn benefice est performe per Leuefque al motion & presentation d'un autre, q est patron de mesme Eglise, ou ad le droit del patron pro hac vice; vncore Collation est vse pur presentation en 25. Edm. 3. statute 6. Et la est vn Brieve en le Register 31. b. appel De Collacione facta uni post mortem alterius, &c. direct al Iustices del common Banke eux commandant a directer leur bfe al euefque pur l'admittance d'un Clerke en la

lieu d'un autre present p le Roy, que durant le suit parenter le Roy & le Clerke del euesque morust, car iudgement vn foirs passe p le Clerke le Roy, & il morant deuant que il soit admis le Roy poit don son presentati- on al vn autre.

place of another presented by the King, who during the suit be- twene the King and the Bishops Clerke decreased, for iudgement once passed for the Kings Clerks, and he dying before he be admit- ted, the King may give his pre- sentation to another,

Colour.

Colour.

Colour est vn fained matter, le quel le defendant ou te- nant vse en son barre, quant vn action de trespasse ou vn Assise est port enuers luy, en le quel il done le demandant ou plain- tife vn shewe prima facie, que il ad bone cause de action, lou en veritie il nest iust cause, mes tantselement vn colour & visour d'un cause : Et il est vse al entet que le determination del action doit este per les Iudges, & hemy per vn ignorant lurie de douze homes : Et pur ceo vn co- lour doit este vn matter en ley, ou difficult al lay gents : come pur exemple, A. port vn Assise de terre enuers B. & B. dit que il mesme lessa mesme le terre al vn C. pur terme de vie, & apres graunt le reuerfion al A. le de- mandant & pais C. le tenant pur terme de vie morust, apres que decease A. le demandant clai- mant le reuerfion per force del graunt (ou C. le tenant pur vie, ne vnques atturue) entra, sur que B. entra, enuers que A. pur mesme entree, port cest Assise, &c. Cest vn bone colour, pur ceo que les lay

Colour is a fained matter, which the defendant oz tenant blerth in his barre, when an action of trespas oz an Assise is brought against him, in which he giuerth the demandant oz plaintife a shew at the first sight, that he hath good cause of action, where in troth it is no iust cause, but onely a colour and face of a cause : and it is bled to the intent, that the de- termination of the action should be by the Judges, and not by an ig- norant Iurie of twelve men : And therefore a colour ought to be a matter in Law, oz doubtfull to the common people : as for exam- ple ; A. bringeth an assise of land against B. and B. sayth that hee himselfe did let the same land to one C. for terme of life, and after- ward did grant the reuerfion to A. the demandant, and after C. the tenant for terme of life dyed, after whos decease, A. the demandant clayming the reuerfion by force of the grant (whereas C. the te- nant for life, did neuer atturue) entered, vpon whom B. entered, a- gainst whome A. for that entrie, brings this Assise, &c. This is a good colour, because the common people

people thinke that the land will passe by the grant without Atturment, where indeed it will not passe, &c.

Also in an Action of trespassse colour must be giuen, and of them are an infinite number, one for example: In an action of trespassse for taking away the Plaintifes beasts, the Def. saith, that before the Plaintife had any thing in them, he himselfe was possessed of them as of his proper goods, and deliuered them to A. B. to deliuer them to him againe when, &c. and A. B. gaue them vnto the Pl. and the Pl. supposing the property to be in A. B. at the time of the gift tooke them, and the Def. tooke them from the Plaintife, whereupon the Pl. bringeth an action, that is a good colour and a good Plee. See more hereof in the Dialogues between the Doct. and Student, cap. 13.

Colour of Office.

Colour of Office is alwayes taken in the worst part, and offences an act ouer done by the countenance of an office, and it beareth a dissembling face of the right office, whereas the offence is but a baile to the falshood, and the thing is grounded vpon vice, and the Officer is as a shadow to it. But by reason of the office, and by vertue of the office, are taken alwayes in the best part, and where the office is the iust cause of the thing, and nothing is punishing the office, Plowd. fo. 64. a.

gentes pensant q le terre voyle passe per le grant sans Atturment, lou en fait il ne voyle passe, &c.

Auxy en vn Action de Trespassse, colour doit estre done, & de eux sont vn enfinite number, vn pur exemple: En vn Action de Trespassse pur prise de auers del Plaintife, le Defendant dit, Que deuant le Plaintife riens auoit en eux, il mesme fuit possesse de eux come de les proper biens, & eux deliuer al A. B. pur eux re-bailer a luy quando, &c. & A. B. eux donz al plaintife, & le Plaintife supposent le property estre en A. B. al temps del don prist eux, & le Defendant eux reprist del Plaintife, sur que le plaintife port l'action, cest vn bone colour, & vn bone Plea. Veies de ceo plus en les Dialogues entre le Docteur & Student li. 2. cap. 13.

Colour de Office.

Color de Office est tousiours dit le plus en malice, & signifie vn acte oulement fait par le countenance de vn Office, & il porte vn dissembling visage del droit Office, lou le Office nest que vaine del fauorie, & le chose est ground sur vice & le Office est come vn shadow al vice. Mes racione officii, & virtute officii sont prises tousiours en bonum partem, & lou le office est l'iust cause del chose, & le chose est pur suant al office. Plowd. in fine & Mancroft fo. 64. a.

The Exposition of

Collusion.

Collusion est lou vn Action est port vers vn aut per son agreement demesne, si le Plain- tife recouer, tiel recouerie est dit p collusion, & en ascun cases le Collusion ferra enquire, come en vn *Quare impedit*, & Affise, & tiels semblables, queux ascu Corporatio ou Corps politique port enuers auter al entent de auer le terre ou aduowson, dont le Bricfe est port en Mortmaine. Mes en Auowrie, ne en ascun Action personall, le Collusion ne ferra enquire. Veies lestatut de Westm. 2. cap. 32. que donc le *Quale ius* & enquire en tiel case.

Commandrie.

Commandrie, fait le nomme dun Mannour ou chiefe Mes- suage, oue que Terres ou Tene- ments fueront occipies per- teignant al Priorie de Saint Iohans de Ierusalem en Engle- terre, ranque fueront donc al Roy Henrie le huit, per Statute fait en l'an. 32. de son reign: Et cesty que auoyt le goüernant de ascun tiel Mannour ou Messuage, fait appelle le Commander, & auoyt rien a faire ou disposer de ceo forsques al vse del Priorie, & d'auer soleme s'assustenance de ceo, solong: Sd degree & fuit vsualment vn frere de mesme. le Priorie, & eust estre fait Chausler en les Guerres encounter Infidels, & fuerot iades appel Knights de la

Collusion.

Collusion is wher an Action is brought against another by his own agreement, & the Plain- tife recouer, then such recouerie is called by Collusion, and in some cases the Collusion shall be en- quired of, as in *Quare impedit*, and Affise, and such like, which any corporation or body politick bringeth against another, to the intent to haue the Land or ad- uowson, whereof the writ is brought into Mortmain. But in Auowry, nor in any Action per- sonall the Collusion shall not be inquired. See the Stat. of West. 2. ca. 32. which giueth the *Quale ius*, and enquire in such cases.

Commandrie.

Commandrie was the name of a Mannor or chiefe Mess- age, with which lands or tene- ments were occupied belonging to the late Priorie of Saint Iohns of Iherusalem, in England, un- till they were given to King H. 8. by Statute made in the 32. yeare of his Maigres Raigne: he which had the gouernment of any such Man- nor or house, was called the Com- mander, which had nothing to doe to dispose of it, but to the vse of the Priorie, and to haue onely his sustentance of it according to his degree, which was usually a Brother of the same Priorie, which had been made knight in the warres against Infidels, and were lately called Knights of the Rhodes.

Knights, or Knights of Malta, of the places where their grand Master of the said Order do dwell. See the said Stat. and the old Statute intituled, do Templariis, whose decay was a great increase of this Order, and many of these Commendations are called in the Countrey by the name of Temples.

Commandement.

Commandement is taken by divers significations, sometimes for the commanding of the King. When by his mere motion, and from his owne mouth he calleth any man into prison, *Stam. Plac. Cor. fo. 72.* or of the Justices: and this Commandement of the Justices is either absolute, or ordinary: absolute, as when upon their owne authoritie, or their wisdom and discretion they commit any man to prison for a punishment: ordinary is when they commit one rather to be safely kept, than for punishment, and a man committed by such ordinary Commandement is bayleable, *Placit. Cor. fo. 73.* Commandement is againe used for the offence of him that willerth another man to transgresse the Law, or to doe any such thing as is contrary to the Law, as Murder, Theft, or such like, *Bract. lib. 3. Tract. 2. cap. 29.* The Civilians call this Commandement, *Angelus de iur. lib. 1. c. 19.*

Commendam.

Commendam is a Benefice that being void is commended to

Rhodes, ou Knights de Malta, del lieu ou leur grand Master del dit Order habite. Vies le dit Statute, & le Statute intitulez, *De Templariis*, le decay des queux fut grand encrease d'icel Order, & plusieurs de ces Commandemens sont en le pais nommez Le Temple.

Commandement.

Commandement est prise par diverse significations, asun fois par le Commandement le Roy, quant p son mere motion, & de sa bouche demesne il iette asun home en prison, *Stam. Pl. Cor. fo. 72.* ou des Justices: Et ceo commandement des Justices est ou absolute ou ordinarie: Absolute, sicome quant sur leur authorite demesne en leur sapience & prudence ils committent asun home a prison pur un punishment: Ordinarie est quant ils committent un plus destre sagement gard, que pur punishment, & home commit per tiel ordinary commandement est mainpernable. *Pl. Co. fo. 73.* Commandement est vse arois pur loice de celui q command a auter home de transgresser le Ley, ou de faire aucun tiel chose que e encounter le ley, come Murder, Larcenie, ou tiel semblable, *Bract. lib. 3. Tract. 2. c. 19.* Les Civilians appeel cest commandement, *Angelus de maleficijs.*

Commendam.

Commendam est un Benefice que estant void, est commed

ad care d'ascun sufficient Clerke
desire supplie i'esque il poit estre
conuenientement proude d'un Pa-
stour : Et le voyer original de
ceux *Commendans* fuit ou pur
cause d'euident viltie ou ne-
cessite, & cestuy a que l'Eglise
est commend, ad les fruits & pro-
fits de ego. seulement p. vii cer-
taine temps, & le nature del
Eglise nest alter per ceo, mes est
s'icome vn chose deposite en les
mains de cestuy a que il est
commend, & il nad forsque le
custody de ceo, que poit estre
renoke.

the care of some sufficient Clerk,
to be supplied untill it may be
conueniently provided of a Pa-
stor : And the true originall of
these *Commendans* was either ex-
tident profit or necessitie, and he
to whom the Church is commen-
ded, hath the fruits and profits
thereof onely for a certaine time,
and the nature of the Church is
not changed thereby, but is as a
thing deposited in the hands of
him to whom it is commended,
and he hath nothing but the cu-
stodie thereof, which may be re-
noked.

Commissarie.

Commissarie est vn nomme de
Ecclesiasticall iurisdiction ap-
perteynant a cestuy que exer-
cise iurisdiction Espiritual en
lieus del Diocesse de cy grand
distance del principal Cite, que
le Chancelour ne poit appeller
les Subiects al chiefe Consisto-
rie del Euesq; fauns leur grand
molestation : Cest Commissarie
est appell' per les Canonists,
Commissarius, ou *Officialis Fo-
raneus*, & est ordeigne a cel spe-
cial fine que il executera le of-
fice & iurisdiction del Euesque
en les Boundaries del Diocesse,
ou en tiels paroches que sont
pecollars al Euesque, & exempts
del iurisdiction del Archideacō;
Car ou per prescription, ou per
composition, la sont Archideacōs
que ont iurisdiction en leur
Archideaconries, s'icome en
plusours lieux ils ont, la cest

Commissarie.

Commissarie is a Title of Ec-
clesiasticall Jurisdiction ap-
pertaining to him that exerciseth
spirituall iurisdiction in places of
the Diocesse so farre distant from
the chiefe Cite, that the Chan-
celloz cannot call the Subiects to
the Bishops principall Consis-
tory without their great trou-
ble : this *Commissarius* is called
by the Canonists, *Commissarius*,
or *Officialis Foraneus*, and is or-
dained to this speciall end, that
he should supplie the Office and
Jurisdiction of the Bishop, in the
out-places of the Diocesse, or in
such Parishes as are Pecollars
to the Bishop, and exempted from
the Arch-deacons Jurisdiction;
for where by prescription or by
composition, there are Arch-dea-
cons who haue Jurisdiction in
their Arch-deaconries, as in most
places they haue, there this *Com-*

missarie is superfluous, and rather to the hurt than good of the People.

Commissarie est superfluous, & plus al detriment que al bñ des Gents.

Commission.

Commission.

Commission is as much in the Common Law, as the word Delegate is with the Civilians, and is taken for the Warrant or Letters Patents which all men bñing Jurisdiction, either ordinarie or extraordinarie, have for their power to heare or determine any matter or Action. Yet this word sometimes extendeth more largely than to matters of Judgement, as the Commission of Murtherers or Takers, 11. H. 4. cap. 28. But with this Epithite High, it is most commonly used for the honorable Commission Court, instituted and founded upon the statute of 1. Eliz. cap. 1. for the ordering and reforming of all offences in any thing appertaining to the Jurisdiction Ecclesiasticall, but especially such as are of highest nature, or at least require greater punishment than the ordinarie Jurisdiction can afford: for the world being grown to such loosenesse as not to esteeme of the sentence of Excommunication, necessitie requireth those Censures of fines to the Prince, and Imprisonment, the which doe affect every man more neerely.

Commission est tant en le Common Ley, come le parol Delegate est oue les Civilians, & est prise par le Garrant ou Letters Patents que tous hommes ayant Jurisdiction ou ordinarie ou extraordinaire, ont pur leur poyer de oyer ou terminer aucun cause ou action. Vncore cest parol aucun foits extend plus largement q al choses de Judicature, sicome le Commission de Mureyeurs ou Prisors, 11. H. 4. ca. 28. Mes oue cest Epitheton Alt, il est plus communement vse pur le treshonoreux Commission Court, institue & foundue sur le statute de 1. Eliz. cap. 1, pur l'ordinance & reformation de tous ostences en aucun chose apperteinour al Jurisdiction Ecclesiasticall, mes especialmēt riels que sōt de plus alt nature, ou al meimes requir e plus grand punishm q ordinarie iurisdiction poir afford: car le mōde est cōs deuenus al tiel remissenesse, sicōs ne de steemer pas le sentence de Excommunication, necessitie impel ceux censures de Fines al Prince, & Imprisonmēt, l's q's plus pecheine affectont chescū home.

Commission of Rebellion.

Commission de Rebellion.

Commission of Rebellion, otherwise called, A Writ of Rebellion.

Commission de Rebellion, autrement appel vñ brieff de Rebellion,

The Exposition of

bellion, & ceo est vñe quant vn home apres proclamation fait per le Viscount, sur vn Order del Chancerie, ou Court de Star-Chamber, fourth penalty de son allegiance a present luy m al Court per vn iour certaine, ne appert pas. Et cest Commission est direct p voy de commission, al certaine persons, au fine que ils, ou trois, deux, ou vn de eux, apprehendent ou causent deestre apprehend le partie, come vn Rebelle & Contemner des Leyes le Roy, en quelcunque lieu que ils luy stoueront deins le Royaume, & de present luy, ou luy cause deestre present al court sur vn iour en ceo assigne.

Committee.

Committee est cestuy a que la consideration ou ordinance d'aucun chose est refer, ou per aucun Court, ou consent des parties a que il appartient : si come en Parlement vn Bill eueant lye, est ou admit & pas, ou denie, ou refer al consideration d'aucun ce teyne homes appoint per le Meason, les quelz sur ceo sont appellees Committees. Mes cest parol est aurement vñe per *Kyich. fol. 160.* ou le Relict del Tenant le Roy est appelle le Comitée le Roy, cest alcauoire, vn commis per le auncient Ley del Terre, al care & protection le Roy.

Common Ley.

Common Ley est par le plus part prise ; voyez : *Primerum*,

tion, and it is used when a man after Proclamation made by the Sheriffe, upon an Order of the Chancerie or Court of Star-Chamber, under peraltie of his allegiance to present himselfe to the Court by a day certaine, appeareth not. And this Commission is directed by way of command, to certaine persons, to the end that they, or three, two, or one of them, shall apprehend, or shall cause to be apprehended the partie, as a Rebelle and Contemner of the Kings Lawes, in what place soeuer they shall finde him within the Kingdome, and bring him, or cause him to be brought to the Court upon a day therein assigned.

Committee.

Committee is he to whom the consideration or ordering of any matter is referred either by some Court, or consent of the parties to whom it appertaines : as in Parliament, a bill being read, is either consented vnto, and passed, or denied or referred to the consideration of some certain men appointed by the House, who hereupon are called Committees. But this word is otherwise used by *Kyich. fo. 160.* where the word of the Kings tenant is called the Committee of the King, that is, one committed by the ancient Law of the Land, to the Kings care and protection.

Common Ley.

Common Ley is for the most part taken 3 wayes : first, for

for the Lawes of this Realme simply, without any other, as Customary Law, Civil Law, Spirituall Law, or whatsoever else Law is ordeined vnto it, as when it is disputed in our Lawes of England, what ought of right to be determined by the Common Law, and what by the Spirituall Law, or Admiralls Court, or such like.

Secondly, it is taken for the Kings Courts, as the Kings Bench, or Common Place, contrary to them a difference betwene them & the base Courts, as Customarie Courts, Court Barons, Countie Courts, Pipowders, & such like: as when a plea of land is removed out of ancient demesne, because the land is frank-fee, and pleadable at the Common Law, that is to say, in the K. Court, and not in ancient demesne, or in any other base Court.

Thirdly, and most usually by the Common Law is understood such Lawes as were generally taken and holden for Law, before any Statute was made to alter the same: as for example, Tenant for life, nor for yeares, were not to be punished for doing wast at the Common Law, till the Stat. of Gloucester. cap. 5. was made, which doth give an action of wast against them. But Tenant by the Courtesie, and Tenant in Dower, were punishable for wast at the Common Law, that is to say, by the vsuall and common received Lawes of the Realme, before the said Stat. of

pur les Leyes de ceste Realme simply, sans aucun autre Ley, come Customarie Ley, Civil Ley, Spirituall Ley, ou quecunque autre Ley ioyne a ceo, come quant est dispute en nostre Leyes D'Angleterre, quid doit de droit estre determinee par la Common Ley, & quid per Spirituall Ley, ou le Court del Admiral, ou tielx semblables.

Secundarily, il est pris pur les Courts le Roy, come le Banke le Roy, ou Common Place, tant seulement pur monstre vn difference per eulx & les base Courts, come Customary Courts, court Barre, Countie Courts, Pypowders, & tielx semblables: come quant vn plea de terre est remouue hors de ancient demesne, pur ceo q le terre est Franke-fee, & pleadable al Common Ley, cest adire, en le Court le Roy, & nemy en ancient demesne, ou e aucun autre base Court.

Tiercement, & plus vsualment per le Common Ley est entendue tielx Leyes que furent generalment prise & tenus pur Ley, deuant q aucun estatute fust fait pur alter ceo: come pur exemple, Tenant pur vie, ne pur ans, ne furent desce punis pur waste sans Wast al Common Ley tanque l'estatute de Gloucester. cap. 5. fust fait, le quel done vn Action de Wast enuers eux. Mes Tenant per le Courtesie, & Tenant en Dower, furent punishable pur Wast al Common ley, cest adire, per le vsual & common receiues loyes le Realme, deuant le dit Statute de Gloucester.

Gloucester suit fait.

Gloucester was made.

Common.

Common.

Common est le droit q'home ad de nitrer ses bests a Pasture, ou de vser & occuper le terre que n'est son proper soile.

Et nota, que sont diuers commons, cest adire common en grosse, Common Appendant, Common Appurtenant, & Common per cause de vicinage.

Common en Grosse, est louieo per mon fait grant a vn autre, que il auer common en ma terre.

Common Appendant, est lou home est seise de certaine terre, a que il ad comon en aurer soile, & tous ceux que seront seises del dit terre aueront le dit common soleint per ceux bests que compass la terre a que il est appendant, except Oylons, Chiüs, & Porceaux.

Et tous iours cest common est per prescription, & de common droit, & il est appendant al terre arable soleint, & nemy al autre terre ou maison.

Comon Appurtenant est en mesme le maner cōe Common Appendant. Mes est ouelsq; tous maniers des Auets, cibien Proceaux, Chiüers, & ciels Eblable, cōe Chiuals, Vaches, Boefs, Barbits, & tiels que compasser le terre. Et tiel comon poit ēe fait a cē iour, & poit ēe seuer del fā q' il est appurtenant, mes il nē poit Comō Appēdant.

Common is the right that a man hath to put his beasts to Pasture, or to vse and occupie the ground that is not his owne.

And note, that there be diuers Commons, that is to say, Common in Grosse, Common Appendant, Common Appurtenant, and Common because of neighbourhood.

Common in Grosse, is where I by my deed grant to another that he shall haue common in my land.

Common Appendant, is where a man is seised of certaine land; to the which he hath Common in anothers ground, and all they that shall be seised of the land haue the said Common onely for those Beasts which compass the land to which it is appendant, excepting Ceele, Goats, & Hogges.

And alwayes that Common is by Prescription, and of common right, and it is appendant to arable Land onely, and not to any other Land, or House.

Common Appurtenant is in the same manner as Common Appendant. But it is with all manner of Beasts, as well Hogs, Goats, and such like, as Horses, Kine, Oxen, Sheepe, and such as compass the ground. And this Common may be made at this day, and may be seuered from the land to which it is appurtenant, but so cannot Common Appendant.

Common because of neighbour-
hood, is where the Tenants of
two Lords which be seised of two
Towns, where one lyeth nigh
another, and every of them have
bled, from the time whereof no
mnde runneth, to have Common
in the other towne, with all man-
ner of Beasts commonable.

But the one may not put his
Cattell in the others ground, for
so they of the other Towne may
distrain them danmage fésant,
or may have an action of Tres-
passe: But they may put them
into their owne fields, and so if
they stray into the fields of the o-
ther Towne, there they ought to
suffer them. And the inhabitants
of the one Town ought not to put
in as many Beasts as they will,
but having regard to the Inha-
bitants of the other Towne, for
otherwise it were no good neigh-
bourhood, upon which all this
matter doth depend.

Common Fine.

Common Fine is a certain summe
of money which the residents in
a Leet pay unto the Lord of the
Leet, and it is call'd in some pla-
ces Head-silver; in some places
Cernum Leta, and was (as it
seemes) first graunted unto the
Lord towards the charge of his
purchase of the Leet, whereby the
residents had now an ease to doe
their suits reall within the Man-
nor, and not be compeld to goe to
the Sheriffes Courne to doe it,
which perhaps is farther off from

Common pur cause de vici-
nage, est lou les Tenaunts de
deux Seignieurs que sont seises
de deux Villes, d'oil l'un gist pres
l'auter, & chescun de eulx ont vsc
de tēps dont memorie ne court,
de auer Common en auter Ville,
ouesque tous Beasts commona-
ble.

Mes l'un ne poit mitter ses
Auers en le terre l'auter, car la
ceux de l'auter Ville poient eulx
distrainre Dammage Fésant, ou
auer Action de Trespasser, mes ils
eulx mittera e leur cāp demesne,
& si ils estrey en les camps del
auter Ville, ils doient eulx suf-
ferer. Et les Inhabitants de l'un
Ville ne doient mīt eins tants
come ils voile, mes ayant regard
al Franktenement del inhabitants
de le aut ville, car autrement
il ne serroit bone vicinity,
sur que tout cest matter des
pend.

Common Fine.

Common Fine est un certaine
sūme des deniers q les résidans
deins yn Leet payont al sūr del
Leet, & est appell en ascū liens
Capitagium vel capitale Argentū;
ē ascū liens *Cernū Leta*, & fuit
al primes (cōc semble) graunt al
sūr vers le charge de son pur-
chase del Leet, per q les residents
avoyēt ore yn aise put faire leur
suit royal deins l'mannor, & ne-
my destre compells d'aler al
Tourne le viscōut de faire ceo;
qī gaducture est plus remōre del
eulx,

The Exposition of

ett; & pur cest common Fine le
sâr doit prescriber, & ne poit
distrein pur ceo sans prescripçio,
come appiert en *Godfreys Case*;
en 11. rep. fo. 44. b.

Common ples.

Common ples est le court le
Roy iannes tenus en le sale
de Westminster, mes en aunciet
temps moueable, sicôe appiert p
le statute de *Magna Carta* ca 11.

Mes Monsieur Gwyn en le Pre-
face a son lecture dit, Que iesq;
le temps que *Henrie* le tierce
grant le grand Charter. la fuit
forsque deux Courts solemt ap-
pel les Courts le Roy, de que vn
fuit Leschequer, & l'auter le
Banke le Roy, quel fuit appel
auxy *Aula Regia*, pur ceo que le
ensue le Court, & que sur le grât
de cel Charter, le Court de C. ô-
mon ples fuit creft & settle en
vn lieu certaine, viz. al West-
minster, & pur ceo q̄ cest court
fuit settled al Westminster,
oucunque le Roy fuit, sur
ceo tous les b̄s fueront faits
oue cest returne, *Quod sit co-
ram Iusticiariis meis apud west-
monasterium*, ou devant le party
fuit command per eux d'ap-
pearer, *coram me vel Iusticiariis
meis*, sans ascun addition d'ascun
lieu certaine.

Touts ciuil causes, cybien
real come personall, sont ou
fueront en auncient tēps trye en
cest Court, accordant al strict
Ley del Royalme: Et p *Forrescne*

them; and for this common Fine
the Lord must prescribe, and can-
not distrein for it without a pre-
scription, as it appears in *God-
freys Case*, 11. rep. fo. 44. b.

Common ples.

Common ples is the Kings
Court now held in Westmin-
ster Hall, but in ancient time
moueable, as appeareth by the
statute of *Magna Charta* cap. 11.

But master Gwyn in the Pref-
ace to his reading, saith, That
untill the time that Henry the
third granted the great Charter,
there was but two Courts ene-
ly, called the Kings Courts,
whereof the Exchequer was one,
and the other the Kings Bench,
the which was called *Aula Regia*,
because that it followed the court,
and that upon the grant of that
Charter, the Court of Common
ples was created and settled in a
place certaine, viz. at Westmin-
ster, and because that this Court
was held at Westminster, where-
soever the King was, hereupon
all the Writs were made with
this returne, *Quod sit coram Iu-
sticiariis meis apud Westmonaste-
rium*, where before the partie was
commanded by them to appeare,
coram me vel Iusticiariis meis, with-
out any addition of any place cer-
taine.

All ciuill causes, aswell Beall
as Personall, are or were, in an-
cient time tryed in this Court,
according to the strict Law of the
Kingdome: And by *Forrescne*,
cap.

cap. 50. it seemeth to haue beene the onely Court for Real causes. The chiefe Judge thereof, is called, The Lord chiefe Justice of the Common Plees, accompanied with three or foure assistants or associates, who are created by the Kings Letters Patents, and as it were installed or placed vpon the Bench by the Lord Chancellor and Lord chiefe Justice of the Court, as appeareth by Fortescue, cap 51. who expresseth all the Circumstances of this admission.

The rest of the Officers appertaining to this Court are these: The Custos Breuium, three Prothonotaries, Chirographer, fourteene Philasers, foure Exigenters, Clerke of the Warrants, Clerke of the Juries, Clerke of the Treasurie, Clerke of the Kings Silver, Clerke of the Essoines, Clerke of the Outlawries.

Common day in plea of land.

Common day in plea of land, Anno 13. R. 2. Stat. 1. cap. 17. signifieth an ordinarie day in the Court, as Octabis Michaelis, quindena Pasche, &c. as you may see in the Statute made Anno 51. H. 3. concerning genetall Dayes in the Bench.

Commotes.

Commotes seemeth to be a compounded word of the Preposition, Con and Motio, that is, di-

cap. 50. il semble d'auer este le seul Court pur real causes. Le premier Iudge de ceo, est appelle Seignior Chiefe Iustice del Common Plees, accompagne oue trois ou quater assistants ou associates, que sont create par Letters Patents del Roy, & come fuit enstalle ou place sur le Bank par le Seignior Chancellor, & Seignior Chiefe Iustice del Court, come appierr per Fortescue, cap 51. que expresse tous les circonstances de cel admission.

Le residue des Officers appertenant a cel Court sont ceux: Le Custos Breuium, trois Prothonotaries, Chirographer, dize quator Philasers, quater Exigenters, Cle. ke des Garrats, Clerke des Juries, Clerke del Treasurie, Clerke d'argent le Roy, Clerke des Essoines, Clerk des Vilagaries.

Common iour en plee de terre.

Common iour en plee de terre, Anno 13. R. 2. Stat. 1. cap. 17. signifie vn ordinarie iour en le Court, come Octabis Michaelis, quindena Pascha, &c. come poies vier en le Statute fait Anno 51. H. 3. concernant general iours en le Bank.

Commotes.

Commotes semble destre vn parol composit del Preposition, Con & Motio, i. diffio, i. 2. verbum,

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verbum, & signifie en Gales le part d'un Couatie ou Hundred, Anno 28. H. 8. cap. 3. Il est escrie Commoithes, Anno 4. H. 4. cap. 17. & est vse pur vn Collection fait sur les gents, come semble, de ceo ou cest Hundred per Minstrels de Gales.

atio, *verbum*, and significeth in Wales the part of a Countie or Hundred, Anno 28. H. 8. cap. 3. It is written Commoithes, Anno 4. H. 4. cap. 17. and is vled for a gathering made vpon the people, as it seemeth, of this or that Hundred by Welch Minstrels.

Communi custodia.

Communi custodia est vn Briefe que gist pur cel Seignior, le Tenaunt de quel tiendrant per Seruice de Chiualler morust, son eigne firs deins age, enuers vn estranger, que enter le terre, & obteyne le gard del corps. Il semble de prender le nosme del common Custome ou droit en ceocase, que est, Que le Seignior auera le gard de son Tenaunt ielsqueson pleine age ; ou pur ceo que est common pur reuouerie del Terre & Tenant, cōe appiert per le forme de ceo, *Veiel N. B. 89. Register Orig. 161.*

Communi custodia.

Communi custodia is a Writ which lyeth for that Lord, whose tenat holding by knights seruice dieth, his eldest sonne within age, against a stranger, who entred the Land, and obtained the ward of the bodie. It may seme to take the name from the comon Custome or right in this case, which is, That the Lord shall haue the Wardship of his Tenant untill his full age ; or because that it is common for the reuouerie both of the Land and Tenant, as appeareth by the forme thereof, *Old N. B. 89. Regist. Orig. 161.*

Compromise.

Compromise est vn mutuall promise de deux ou plusors parties q̄ sont al cōtrouerfic, pur submitter eux mesmes & tous differences enter eux, al gard arbitreint, ou iudgment del vn ou plusors arbitrators, en eux indifferentaient ellicn p̄ determiner & adiudger des tous matters referres, & sur que les parties differont.

Compromise.

Compromise is a mutuall promise of two or more parties that are at controuersie, to submit themselves and all differences betwene them, vnto the Award, Arbitrement, or Iudgement of one or more Arbitrators, indifferently chosen betweene them to determine and adiudge vpon all matters referred, and vpon which the parties differ.

Computation.

Computation, this word is used in the Common Law, for the true and indifferent construction of time, so that neither the one partie shall doe wrong to the other, nor the determination of times, referred at large to be taken one way or other, but shall be computed according to the iust Censure of the Law.

As if Indentures of demise are ingrossed, bearing date the eleventh day of May 1624. to haue and to hold the Land in S. for three yeares, from henceforth, and the Indentures are deliuered the fourth day of June in the yeare aforesaid; In this case, from henceforth, shall be accounted from the day of the deliuey of the Indentures, and not by any computation from the date, and if the said Indenture be deliuered at foure of the Clocke in the afternoone of the said fourth day of June, this Lease shall end the third day of June, in the third yeare, for the Law in this computation reiecteth all fractions of diuisions of the day for the incertaintie, which alwaies is the mother of contention. So where the Statute of Inrollements made Anno 27. H. 8. cap. 16. is, That the writings shall be inrolled within six moneths after the date of the same writings indented, if such writings haue date, the six moneths shall be accounted from the date, and not from the deliuerie, but if they want date, then it shall

Computation.

Computation, cest parol est vse en le Common Ley, pur le voyer & indifferent construction de temps, issint que ne l'un partie serra tort al auter, ne le determination de termes reserre a large destre prise vn voy ou auter, mes serra compure accordant al droictural Censure de la Ley.

Come si Indentures de Demise sont ingrosse, portent date le vnisme iour de May 1624. aauer & tener terre en S. pur trois ans de cest temps, & les indentures sont deliuer le quart iour de Iune en l'an auantdit; En cest case, de cest temps, serra account del iour del deliuerie des Indentures, & nemy per aucun Computation del date, & si le dit Indenture soit deliuer al quater de la horologe puis meridie le dit quater iour de Iune, cest Leas finiera le tierce iour de Iune en le tierce an, car la Ley en cest computation rejecte tous fractions ou diuisions del iour pur l'incertaintie, que tous foits est le Merc de contention. Issint ou la Statute Denrollements fait Anno 27. Hen. 8. cap. 16, est, que les Escrites seront inrolle deins sixe moyes apres le date de messe les Escrites indent, siuels Escrites ont date, les sixe moyes seront account del date & nemy del deliuerie, mes si fault date, donque il serra

L 3 account

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àccount del deliuerie, *Coke lib. 5. fol. 1.*

Si aucun fait est monstre a vn Court al Westminster, le fait per iudgement del Ley remaine en Court tout le Terme en que cèo est monstre, car tout le Terme en ley nest que vn iour, *Coke lib. 5. fol. 74.*

Si vn Eglise happa voyd, & le veray patron ne presenta deins sixe mois, donques Leuef- que del Dioces poet collate son Chaplein : mes ceux sixe mois ne ferra account accordant al vint huit iours al mois, mes feront compus accordant al Kalend. Et la est graund diuersitie en nre common parlance en le singul' nombre, come vn Twelue moneth, que enclude tout lan selonque le Kalend, & Twelue moneths, que ferra cõ- pute selonque vint huit iours a chescun mois. *V. Coke lib. 6. fol. 61. b.*

Computo.

Computo est vn brieve issint, appel del effect, pur ceo que il enforce vn Bayliffe, Chamberlain, ou Receiuer, a render son Account, *Fiel N. B. fol. 58* il est founde sur le Statute de *West. 2. ca. 2.* le quel pour vostre mieux intelligence vous poyes lyer. Et il auxy gift pur Executors dexecutors, *15. Ed. 3. Stat. de Prouis. victual. cap. 5.* Tierceint euers le Gardeine e Socage, par wast fait e le minority del heire, *Marl. ca. 17.* & vies pluis en qux

be accounted from the deliuerie, *Coke lib. 5. fol. 1.*

If any Deed be shewed to a Court at Westminster, the Deed by Judgement of the Law shall remaine in Court all the Terme in which it is shew'd, for all the Terme in Law is but as one day, *Coke lib. 5. fo. 74.*

If a Church be voyd, & the true Patron doth not present within six moneths, then the Bishop of the Diocesse may collate his Chaplein : but these six moneths shall not be computed according to 28 dayes to the moneth, but shall be computed according to the Kalender. And there is great diuersitie in our common speech in the singular number, as a Twelue-moneth, which includes all the yeare according to the Kalender, and 12 moneths, which shall be computed according to 28. dayes to every moneth. *See Coke lib. 6. fo. 61. b.*

Computo.

Computo is a writ so called of the effect, because it compelleth a Bailiffe, Chamberlain, or Receiuer to rend his account, *Old N. B. fo. 58.* It is founded vpon the Statute of *Westm. 2. cap. 2.* the which you may for your better vnderstanding reade. And it also lyeth for Executors of Executors, *15. Ed. 3. Stat. de Prouis. Victual. c. 5. 3.* Against the Gardein in socage, for wast made in the minority of the heire, *Marlebr. cap. 17.* And see further in what other ca-

les et l'eth, Reg. orig. fo. 135. Old Nat. B. fo. 58. & F. N. B. fo. 116.

auts cases il gift, Reg. Orig. fo. 135. Viel N. B. fo. 58. & F. N. B. fo. 116.

Concealers.

Concealers are such as find out lands concealed, that is, such lands as are secretly detained from the King by common persons having nothing to shew for them, Anno 39 Eliz. cap. 22. They are so called à concealando, as Mons à Mouendo, by antiphrasis.

Concealers.

Concealers sont tiels que trouvent terres conceale, ceo est, tiels fres q̄ sont priviement detene del Roy per common pson, ne ayant pas ascun chose de mostre p̄ eux, Anno 39. Eliz. ca. 22. ils sont ainsi appel à *concelando*, come *mons à mouendo*, p̄ Antiphrasin.

Conclusion.

Conclusion is when a man by his own act upon Record hath charged himself with a duty or other thing: as if a freeman confesse himself to be the villeine of A. upon record, and afterward A. taketh his goods, he shall be concluded to say in any action or plea afterwards, that he is free, by reason of his own confession. So if the Sherife upon a Capias to him directed, returneth that he hath taken the body, and yet hath not the body in Court at the day of the returne, he shall be amerced: and if it were upon a Capias ad satisfac', the Jd. may have his Action against the Sherife for the escape, for by such returne the Sherife hath concluded himself.

And this word Conclusion is taken in another sense, as for the end or latter part of any Declaration, Bar, Replication, &c. As where to the Bar there ought to be a Replication, the conclusion of his plea shall be, And this he is

Conclusion.

Conclusion est quant home per son fait dem̄ sine sur Record ad charge luy m̄ oue ascun duty, ou aut chose: Come si home q̄ est franke confesse luy mesme deffr villeine de A. sur Record, & apres A. prist ses biens, il serra conclude adire en ascun Actiō ou Plea en aps, que il est franke, per reason de son Confession demesme. Ainsi si l' Vic. sur vn Capias a luy direct, retourne quod *Capit corpus*, & vncore nad le corpes en Court al iour del Retourne, il serra amerce: & si l' fust sur vn Capias *ad satisfaciendum*, le Plaintife poit auer son Action envers le Vicont pur le escape, car per tiel Retourne le Viscont ad conclude luy mesme.

Et cest parol Conclusion est prist en vn autre sence, cōe pur le fine ou darreyn part d'ascun Declaration, Barre, Replicatiō, &c. Come ou al Barre couient estre vn Replication, le Conclusion de son Plea serra, *Et hoc*

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paratus est verificare. Si en Dower, le Tenaunt pleda ne vnques seisie que Dower doit render, le Conclusion serra, *Et de hoc ponit se super patriam.* Et en quel manner le Conclusion serra accordant al nature des feueralx actions, Vies Kitch. fol. 219. 220. &c.

ready to affirme. If in dower the tenant pleads, That he was neuer seised to render dower, the conclusion shall be, And vpon this he puts himselfe vpon the Country. And in what manner the conclusion shall be according to the nature of feuerall actions, See Kitch. fo. 219. 220. &c.

Concord.

Concord est desine deſtre le voyer agreeement enter parties que entendent le leuying dun ſine de Terres vn al aurer, quel voy & en quel manner les terres ſerrount paſſe : car en le forme de ceo pluſors choſes ſont deſtre conſider, *Vid. Weſt part. 2. tit. Fines & Concorde, Sect. 30.*

Concord est auxy vn agreeement fait ſur aſcun treſpaſſe commit perent deux ou pluſors, & est diuide en vn Concord executorie & execute. *Vide Plowd. Caſu Reniger & Fogaffa, fol. 5. & 6.* ou il appere per l'opinion daſcuns, Que l'un ne lia pas cœe eſteant defectiue; l'auter eſteant abſolute & oblige les parties : & vncore per l'opinion d'autres en meſme le caſe, il est affirme, Que concords executorie ſont perfect, & ne meynes lycrount pas que Concords executed, fol. 8. b.

Concord is deſined to be the be- ry agreeement between parties that intend the leuying of a ſine of lands one to another, how and in what manner the lands ſhall be paſſed : for in the forme thereof many things are to be conſidered. See Weſt, part. 2. tit. Fines & Concorde, Sect. 30.

Concord is alſo an agreeement made vpon any treſpaſſe committed between two or more, and is diuided into a Concord executorie and executed. See Plowd. in Reniger & Fogaffes caſe, fol. 5. & 6. where it appeareth by the opinion of ſome, that the one doth not bind, as being imperfect, the other being abſolute, bindeth and tyeth the parties, and yet by the opinion of others in the ſame caſe, it is affirmed that Concords executorie are perfect, and doe no leſſe bind than Concords executed, fol. 8. b.

Concubinage.

Concubinage est vn exception vers luy que port Action pur ſa Dower, per que il

Concubinage.

Concubinage is an exception againſt her that bringeth an Action for her Dower, whereby it

It is alledged, That shee was not lawfully married to the partie in whose lands shee seekes to be endowed, but his concubine, Brit. ca. 107. Bracton lib. 4. Tract. 6, ca. 8.

est alledge, Que el ne fuit loy- alment espouse al partie en queux vers el quere destre endowe, mes son Cōcubine, Britton, cap. 107. Bract. lib. 4. Tract. 6, cap. 8.

Conders.

Conders are those that stand upon the high places neere to the Sea-coast, at the time of Herring-fishing, to make signes with boughs, &c. in their hands, to the fishers, which way the shoale of herrings passeth: for they which stand upon some high Cliffe, may see it better than those that are in their Ships, These are otherwise called Huers and Walkers, as appeareth by the Stat. of 1. lac. ca. 23.

Conders.

Conders sont tiels que estoient sur les alt lieux procheine al coast del Mere, al temps del pifcary pur Haleques, a faire signes oue Ramaus, &c. en leur mains, al Pifcarers, quel voy le troupe des Haleques passent: car ils que estoient sur aucun alt petre, poyent comieucx veier que tiels que sont en leur nieses. Ceux sont autrement appel Huers & Walkers, come appiert per lestatute d 1. lac. cap. 23.

Condition.

Condition is a restraint or bridle annexed and ioyned to a thing, so that by the not performance or not doing thereof, the partie to the condition shall receive prejudice and losse, and by the performance and doing of the same, commoditie and advantage.

And all Conditions are either Conditions actual and expresse, which be called Conditions in Deed, or else they be Conditions implied, or covert, and not expresse, which are called Conditions in Law.

Also all Conditions are either Conditions precedent and going before the Estate, and are executed: or else subsequent and following after the Estate, and executory.

Condition.

Condition est vn restraint ou bridle annex & ioyne al chose, insint que per le nonperformance, ou selsans de c', le partie al Condition receivra prejudice & parde, & per le performance & faire de c', commodie & advantage.

Et tous Conditions sont ou Conditions actual & expresse, queux sont appel conditions en fait, ou ils sont Conditions implicite ou tacite, & mient expresse, les quex sont appellees Conditions en Ley.

Auxy tous Conditions sont ou Conditions precedent & vaillant deuant lestatute, & sont executees: ou subsequent, & veniens apres lestat & executory.

Le Condition precedent gaine & obtaine le chose ou estate fait sur Condition, per le performance de l' condition.

Le Condition subsequent garde & continue le chose ou estate fait sur condition, per le performance de ycel.

Actual & expresse Condition, que est appelle vn Condition en Fait, est vn Condition knitt & annexe p expresse parols, al Feoff-nt, Lease, ou Graunt, ou en escript, ou sans escript. Si cōseio enfeoffe vn hōe à Terre, reseruant Rent; destte payed a ryel Feast, sur Condition, Que si le Feoffee faile d. payment al iour, que donques il serra loyal pur moy de re-enter.

Condition implicite, ou tacite & nient expresse, que est appelle Condition en Ley, est quant home graunt al auter le office destre Gardeine d'un Parke, Seneschall, Beadle, Bayliffe, ou tiels semblables, pur terme de vie; & nient obstant q la ne soit ascun Condition expresse en le Graunt, vncore le Ley parle coue. m̄t de vn condition, quel est, q si le Grantee ne execute p̄s tous poynts appartenant a sō office, pluy mesme, ou son sufficient Deputie, donq; serra loyal pur le Grauntour de ceter & discharge luy de sō office.

Condition precedent & vavant deuant, est quant vn Lease est fait al vn pur vie; sur Condition, Que si le Lessee pur vie vovle payer al Lessor xx. l. a tiel iour, q donq; il agra fee simple;

The Condition precedent both get and gaine the thing or Estate made vpon Condition, by the performance of the same.

The Condition subsequent both keepe and continue the thing or estate made vpon Condition, by the performance of the same.

Actual and expresse Condition, which is called a Condition in Deed, is a condition knitt and annexed by expresse words, to the feoffment, Lease, or Grant, either in writing or without writing: As if I infeoffe a man in lands, reserving a rent to be payd at such a feast, vpon condition, that if the feoffee faile of payment at the day, that then it shall be lawfull for me to re-enter.

Condition implied, or couert and not expresse, which is called a Condition in Law, is when a man granteth to another the Office to be keeper of a Parke, Steward, Beadle, Bayliffe, or such like, for terme of life, and though there be no condition at all expressed in the Grant, yet the Law speaketh couertly of a Condition; which is, That if the Grantee doth not execute all poynts appertaining to his Office, by himselfe or his sufficient Deputie, then it shall be lawfull for the Grantour to enter and discharge him of his Office.

Condition precedent and going before, is when a Lease is made to one for life; vpon condition that if the Lessee for life will pay to the Lessor xx. li. at such a day, that then he shall haue fee simple.

here the condition precedes & goeth before the estate in fee-simple, and upon the performance of the condition, doth get and gaine the fee-simple.

Condition subsequent, and coming after, is when one granteth to J. S. his Mannor of Dale in fee-simple, upon Condition, That the Grantee shall pay to him at such a day xx. pounds, or else that his Estate shall cease, here the Condition is subsequent & following the estate in fee-simple, and upon the performance thereof doth keepe and continue the Estate.

See more of this in Coke, li. 3. fo. 64. and in Lit. li. 3. c. 5. and Perkins in the last title of Conditions.

Confederacie.

Confederacie is when two or more men confederate themselves to doe any hurt or damage to another; or to doe any unlawfull thing. And although a writ of Conspiracie doth not lie if that the partie be not indicted, and in lawfull manner acquitted, for so are the words of the writ, yett false confederacie between divers persons shalbe punished, although that nothing be put in vire, and this appeareth by the Booke of 27. Assis. placit. 44. where there is a note, That two were indicted of Confederacie, each of them to maintaine other; whether their matter were true or false, and although nothing was supposed to be put in vire, the parties were put to answer, for as much as they

icy le Condition precede & va deuant l'estate en fee simple, & sur le performance de Condition, get & gayne Fee simple.

Condition subsequent, & veniens apres, est quant vn graunt a J. S. son Mannour de Dale en Fee simple, sur Condition, Que le Grauntee payera a luy a tel iour xx. l. ou autrement que s'il estate cessera, icy le Condition est subsequent & ensuant le estate en Fee simple, & sur le performance de ycel, gard & continue le estate.

Vies plus de ceo en Coke, li. 3. fo. 64. & en Lit. li. 3. c. 5. & Perkins titulo ultimo de Conditions.

Confederacie.

Confederacie est quanne deux ou plusieurs hommes luy mesmes confedre a faire aucun male ou dammage aul, ou de faire aucun chose illoyal. Et coment q Brieve de Conspiracie ne gist siueu que le partie soit endite, & en loyal maniere acquies, car issint sont les parols del Brieve, vncore faulx confederacio inter divers persons seira punie coment que nul chose soit mis en vire, & ceo appiert per le Lieure de 27. Assis. placit. 44. ou la est vn note, que deux fueront endit de confederacie, chescun de eux a maintain auter; le quel leur meistre soit veray ou faulx, & neist obstant que nul chose soit suppose de estre mis en vire, les parties fuerant mis a respondre; par ceo que es

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chose est defendue en la Ley. Iffin'en le procheine article en mesme la Licure, enquirie sera fait de Conspirators & Confederators que soy enf eux allyount, &c. de fausement enditer ou acquitter, &c. le manner del alliance, & enser queux, quel proue auxy que confederacie d'enditer ou acquitter coment q rien soit execute, est punishable per la ley. Et est destre obserue que ceux confederacies punishable per Ley deuant que ils sont execute couient d'auer quater incidents. Primement couient estre declare per ascun matter de prosecution cbe p fessant de bds ou promises l'un al autre: secondement couiet estre malicious cbe pur vniust reuenge: tiercement couient estre faux encont vn innocent: & dernierment couiet estre hors de court voluntariment.

Confession del offence.

Confession del offence est quant vn prisoner est appeale ou indite de Treason ou felonie, & trahe al barre destre arraigne de c', & son indictment est lie a luy, & il est dte per le Court. que il voyle dire a ceo, donque ou il confesse le offence & le enditement destre voyer, ou il estranger luy sa del offence & plede nient culpable, ou autrement donc vn indirect respons, & issint en effect estoia mute.

Et confession poit estre fait en deux sorts, & a deux several

thing is forbidden in the Law. So in the next Article in the same Booke, enquirie shall be made of conspirators and confederators, which bind themselves together, &c. falsely to indite or acquit, &c. the manner of their binding, and between whom, which proueth also that confederacie to indite or acquit although nothing be done, is punishable by the law. And it is to be obserued that this confederacie punishable by Law before it be executed ought to haue foure incidents. first it ought to be declared by some matter of prosecution, as by making of bonds or promises the one to the other: secondly, it ought to be malicious as for vniust reuenge: thirdly, it ought to be false against an innocent: and lastly, it ought to be out of Court voluntarie.

Confession del offence.

Confession del offence is when a prisoner is appealed or indicted of treason or felonie, and brought to the barre to be arraigned thereof, and his indictment is read vnto him, and he is demanded by the Court what he can say thereto, then either he confesseth the offence and the indictment to be true, or he estrangeth himselfe from the offence and pleadeth not guiltie, or else giueth an indirect answer, and so in effect standeth mute.

And confession may be done in two sorts, and to two severall ends,

ends, whereof the one is, he may confesse the offence whereof he is indicted openly in the Court before the Judge, and submit himselfe to the censure and iudgement of the Law: which confession of the prisoner himselfe is the most certaine answer and best satisfaction that may be giuen to the Judge to condemne the offender, so that the said confession proceedeth freely and of his owne accord, without any threats, force, or rigorous extremitie used; for if the confession groweth from any of these causes, it ought not to be recorded. As a woman was indicted for the felonious taking of bread to the value of two shillings, and being thereof arraigned, shee confessed the felonie, and said that shee did it by the commandement of her husband, and the Judges in pittie would not record her confession, but caused her to plead not guiltie to the felonie: whereupon the Jurie being charged, it was found that shee stole the bread by the compulsion of her husband against her will, for which cause shee was discharged, 27. Aff. Pl. 50.

The other kind of confession of felonie which is made by a prisoner at his arraignment, openly in Court before the Judge, is when the prisoner confesseth the indictment to be true, and that he hath committed the offence whereof he is indicted, and then becommeth an approver, that is to say, an accuser of others which haue committed the same offence whereof he is indicted, or other offences with

finis, de q̄ l'un est, il poit confesse le offence de que il est indict appierment en le Court deuant l'Judge, & submit luy mesme ad censure & iudgement del Ley. Quel confession del prisoner luy mesme est le plus certaine respons & meux satisfaction que poit estre deliuer al Iudge, a condemner le offender, ainsi que le dit confession proceda frankment & de son volunt de mesme sans aucun menace, force, ou rigorous extremitie use; car si le confession surde de aucun de ceux causes, il ne doit estre recorde. Come femme fuit indict pur le felonious ebleer de paine al value de 2. s. & estant de ceo arraigne, el confesse le felonie, & dit quel ceo fair per le commandement de sa Baron, & les Iudges en compassion ne voient recorder la confession, mes cause luy de pleader non culpable al felonie: sur que le Jurie estant charge, il fuit trouue q̄ el emblea le paine per le compulsion de sa Baron encontre sa volunt, per quel meisme el fuit discharge, 27. Aff. Pl. 50.

L'autre sort de confession de Felony que est fait per un prisoner a son arraignment, appert en Court deuant le Iudge, est quant le prisoner confesse l'endictment desre voyer, & que il ad comit le offence de que il est indict, & donnec deuient un approver, cest adire, un accuser de autres, queux ont comit meisme le offence de q̄ il est indict, ou autres offences oue luy,

The Exposition of

luy, & donque pria le Iudge
d'auer vn Coroner assigne a luy,
a que il poit faire relation de
ceux offentes, & del pleime cir-
cumstances de eux.

La est auxy vn tierce sort de
confession, fait per vn offendor
en felonie, que nest en Court
deuant le Iudge, come l'auters
deux sont, mes deuât le Coroner
En vn Esglise ou auter lieu priui-
lege, sur q l'offendor p l'ancien
ley del Roialme est de faire son
abjuratioun hors del Roialme.

Confirmation.

Confirmation est quunt vn q
auoit droit al ascun terres ou
tenements fait vn fait a vn auter
q auoit ent le possession ou aucti
estate ouesque ceux parolz, *Ra-
tificate, Approbasse, Confir-
maste*, oue entent de enlarger s^e estate,
ou faire son possession perfect &
nient defensible per luy que
fait le confirmation, ne per
ascun auter que poit auer
a son droit.

Dont veies plus en *Littleton*
lib. 3. cap. 9. de Confirmations.

Confiscate.

Confiscate; cest parol est prise
del Latine parol *Fiscus*, que
originalme signifie vn Hamper
ou Fraille; Mes p implication, le
treasure del Souerain, pur ceo
q en velt il est mis en Ha-
napers ou Frailles. Et nient obstant
que nostre Roy ne mit son trea-
sure en tikel choses, yncore come

him, and then prayeth the Judge
to haue a Coroner assigned to him,
to whom he may make relation
of those offences, and of the full
circumstances thereof.

There is also a third kind of
confession, made by an offendor in
felonie, which is not in Court
before the Judge as the other
two are, but before a Coroner,
in a Church, or other privileged
place, upon which the offendor by
the ancient Law of the Realme
is to be abjured the Realme.

Confirmation.

Confirmation is when one which
hath right to any lands or te-
nements maketh a deed to ano-
ther which hath the reof the pos-
session, or some estate with these
words, *Ratificasse, Approbasse,
Confirmasse*, with intent to in-
large his estate, or make his pos-
session perfect and not defensible by
him that maketh the confirmati-
on, nor by any other that may
haue his right.

Wherof see more in *Littleton*
lib. 3. ca. 9. of Confirmations.

Confiscate.

Confiscate, this word is deriued
from the Latine word *Fiscus*,
which originally signifieth an
Hamper or Basket, but meto-
nymically, the Princes treasure,
because that in a ciert time it was
put in Hampers or frailes. And
although our King doth not put
his treasure in such things, yet as
the

the Romans haue said, that such goods as were forfeited to the Emperors treasure, were *Bona Consecrata*, in like manner doe we say of such goods as are forfeited to the Kings Exchequer. And the title to haue these goods, is giuen to the King by the Law when they are not claimed by some other; as if a man be indicted, that he feloniously stole the goods of another man, where in truth they are the proper goods of him indicted, & they are brought in Court against him as the manner, and he there asked, What he sayth to the sayd goods? To which he disclaimeth: Thereby this disclaimer he shall lose the goods, although that afterwards he be acquitted of the felony, and the King shall haue them as confiscated: but otherwise it is, if he doth not disclaim in them.

The same Law is where goods are found in the felons possession, which he disauoweth, and afterwards is attainted of other goods, and not of them, there the goods which he disauoweth, are as confiscated to the King: but had he been attainted of the same goods, they should haue bene said forfeited, and not confiscated, notwithstanding his disauowment. So if an Appeale of Robberie be brought, and the plaintife leaueth out some of his goods, he shall not be receiued to enlarge his Appeale: and for as much as there is none to haue the goods so left out, the King shall haue them as confiscated, according to the old

les Romans ont dit, que tiels biens que fueront forſeiz al tresor del Emperour, eſtant *Bona Conſecrata*, en meſme le manniere nous diomus de tiels biens, que ſont forſeiz al Eſchequer de noſtre Roy Et le titre d'auer ceux biens eſt done al Roy per le ley quant ils ne ſont claime per aucun autre; come ſi home ſoit indite, que il felonieuſement emble les biens d'un autre home, lou en veritie ils ſont les propres biens l'enditee, & ils ſont miſes en Court vers luy come maneur, & la demaund eſt de luy, Que il dit as dits biens? As queux il diſclaima: Icy per cel diſclaimer il perdra les biens, coment que apres ils ſoit acquite del Felonie, & le Roy eux auera come conſiſque: Mes autrement eſt, ſil ne diſclayma en eux.

Meſme le Ley eſt ou biens ſont troues en le poſſeſſion d'un Laron queux il diſauowa, & puis eſt attaint de autres biens, & nemy de ceux, icy les biens qu'il diſauowa, ſont al Roy come conſiſques: Mes vſſoit il attaint de meſmes les biens, ils ſerroyent auer eſte appellees forſeiz, & nemy conſiſques, nient obſtant ſon diſauowment Iſſint ſi Appeale de Robberie ſoit port, & le plaintife interleſſa aucun de ſes biens, il ne ſerra receiue a enlarger ſon Appeale, & entant que nul eſt icy d'auer les biens iſſint interleſſe, le Roy eux auera come conſiſque accordant al veiel dir,

Quod non capit Christum, capit fiscum. Et come en le case auant dit, le Ley punie l'owner pur son negligence ou conuincence, issint le Ley abhorre malice, en querance le sanke a'ascun sans iust cause. Et pur ceo si A. ad le biens de B. per bailement ou trouver, & B. port Appeale vers A. pur prendre eux feloniously, & troue est que eux fueront les biens le plaintife, & que le defendant vient a eux loyallyment, en cest case ceux biens seront confisque al Roy, pur le faux & malicious Appeale.

Rule. Quod non capit Christus, capit fiscus. And as in the case aforesaid, the Law punisheth the owner for his negligence & conuincency, so the Law abhorreth malice, in seeking the blood of any, without iust cause. And therefore if B. hath the goods of A. by deliuerie, or finding, and B. brings an appeal against A. for taking them feloniously, and it is found that they were the plaintiffs goods, and that the def. came lawfully by them, in this case these goods are confiscate to the King, because of the false and malicious Appeal.

Congeable.

Congeable veigne del paroll Francois (*Conge, id est, venia*) Et signifie en nostre common ley, tant come loyall ou loyallyment fait, & issint est vse per Monsieur Littleton en son 410. Section, lou il dit quel'entry del Disceise est congeable.

Congeable.

Congeable comes of the French word (*Conge, id est, venia*) And it signifies in our common Law, as much as lawfully; lawfully done, and so Master Littleton bles the word in his 410 Section, where he sayes that the entry of the Disceise is congeable.

Conge d'essire.

Conge d'essire, venia eligendi, est le permission Royal del Roy, a asc' Deane & Chapter en temps de Vacation d'essire vn Euesque, ou a vn Abbey ou Priorie de son foundation demesme deslier leur Abbot, ou Prior. *F.N.B. fol. 169. b. 170. b. c. &c.* Touchant cest chose, Monsieur Gwyn e le Preface a ses Lectures dit, q' le Roy Dengleterre, c'oc Souveraine Patro de tous

Conge d'essire.

Conge d'essire, power of choosing, is the Kings Royall permission to any Deane and Chapter in time of bacancy to chuse a Bishop; or to an Abby or Priory of his own foundation, to chuse their Abbot, or Prior. *Fit. Na. Br. fo. 169. b. 170. b. c. &c.* Concerning this matter, Master Gwyn in the Preface to his Readings, sayth, That the King of England, as Soueraigne Patron of all

Archbishopps, Bishopps; and other Ecclesiasticall Benefices had of ancient tyme free disposition of all Ecclesiasticall dignities whensoever they happen to be void; inuesting them, first per baculum & annulum; and afterwards by his Letters Patents, and that in progresse of time they gave power to make election under certaine formes and conditions: as namely, that they upon every vacation shall intreat of the King Cong^e d'sire, that is, license to proceed to election; and then after the election recraue his Royall assent, &c. And further he affirmeth by good prooff out of the Common law bookes; that King John was the first that granted it, and that it was afterward confirmed by West. 1. ca. 1. which Statute was made Anno 3. Ed. 1. and againe, by the Statute de Ar. Cleri cap. 2. which was ordained Anno 25. Ed. 3. Stat. 3.

Coniuration.

Coniuration is a compact or plot made by men, combining themselves together by oath or promise to do any publike harme. But it is more commonly vsed for such as haue personall conference with the Devil or euill spirit to know any secret, or to effect any purpose, An 5. Eliz. c. 16. And the difference betwene Coniuration and witchcraft may be said to be this, because that the one seeth by prayers and inuocation upon the powerfull name of God;

Archieuesques, Euesques; & autres Benefices Ecclesiasticall; ad de ancient temps frank disposition a toutes dignities Ecclesiasticall, oucunque ils happen de estre void, inuestant eux, primerment per *baculum & annulum*, & puis per ses Letters Patents, & que en pgress de tēps ils done payer as autres a faire election, fourth aucun formes & conditions: comē nōsmēnt, que ils a chescun vacation demandent del Roy Cong^e d'sire, c'est-à-scauoir, licence a proceder a election, & donquo puis le election a obteir son Royall assent, &c. Et ouster il affirme p bone pbatation hors des liuers del Common Ley, que le Roy Iohn fuit le primer que granta ceo, & que il fuit puis confirme per West. 1. cap. 1. q^l statute fuit fait Anno 3. Ed. 1. & arere per le Statute de Ar. Cleri; cap. 2. que fuit ordaine Anno 25. Ed. 3. Stat. 3.

Coniuration.

Coniuration est un compact ou plot fait p homes combinant eux mesmes ensemble per serement ou parol a faire auec publike leide. Mes il est plus communement vsé par tiels queux ont psonal parlance oue le Diable ou male esperit a cognoistre aucun secret, ou de faire aucun chose, Ann. 5. El. c. 16. Et le difference penter Coniuration & Witchcraft poit estre dit de estre ceo, par c' q^l il seible p Orizbs & inuocatis sur le potēc nostre de

Dieu, de compeller le Diable & dire ou faire que il luy command; & l'aider fait plus par vn amicable & voluntarie parlance ou concord perenter luy ou el & le Diable ou esperit d'aquer sa ou s^{on} volunt & choses effect, en lieu de sangue ou auter donc offer a luy, primerint de s^{on} ou sa soule. Et ambidex. ceux differont de chantiers ou Sorceries, pur ceo que ils s^{on}t psonal parlanes ou le Diable, c^{on}ce est dit; mes ceux sont forsque medicines & ceremonial formes de parols, communement appel Charms, sans apparition.

to compell the Deuill to say & do what he commandeth; and the other doth rather by a friendly and voluntarie conference or agreement betwene him or her and the Deuill or familiar; to haue his or her desires and purposes effected, in stead of blood or other gift offered vnto him, especially of his or her soule: And both these differ from Enchantments or Sorceries, because that they are personall conferences with the Deuill, as is said; but these are but medicines and ceremoniall formes of words, commonly called Charms, without apparition.

Conservator del Truce,

Conservator del Truce fuit vn Officer constitute en chescun port del mere, sous les Lettres Patents le Roy, & ad 40. l'pur son annual salarie, al meins. Son charge fuit denquiere de tous offences faits enuers le Truce, & safe conducts del Roy, sur le pleine Mere, hors des pais & hors des franchises del Cinque Ports le Roy, come les Admirals de custome ont vse de faif, & tiels auters choses come sont declare, Anno 2. H. 5. c. 6. Touchant cest chose, voyes lier l'auter statute de An. 4. H. 5. ca. 7.

Conservator of the Truce.

Conservator of the Truce was an Officer appointed in every Port of the sea vnder the Kings Letters Patents, and had 40. li. for his yearly stipend; at the least. His charge was to inquire of all offences done against the Kings Truce, & Safeconducts, vpon the maine sea, out of the countries and out of the liberties of the 5. Ports of the R. as the Admirals of custome haue bled to doe, and such other things as are declared an. 2. H. 5. c. 6. Touching this matter you may read the other Statute of Anno 4. H. 5. ca. 7.

Conservator del peace.

Conservator del Peace est celuy que ad vn especial charge per vertue de son Office, a veier le

Conservator of the peace.

Conservator of the Peace is he that hath an especial charge by vertue of his office to see the

King's peace kept, which peace in effect is defined to be a with-holding or abstinence from that injurious force and violence that unruly & boisterous men are in their natures prone to vse towards others, were they not restrained by laws and feare of punishment. Of these conservators M. Lamb. further saith, that before the time of King E. 3. who first appointed Just. of Peace, there were sundry persons who by the common law had interest in the keeping of the Peace. Of those some had that charge as incident to their offices, & so included within the same, & yet notwithstanding were called by the name of their office only: some others had it simply as of it selfe, and were thereof named Custodes pacis, Wardens or Conservators of the Peace. And both these sorts are againe subdiuided by M. Lambert, in his Eirenarcha, li. 1. ca. 3.

Consideration.

Consideration is the materiall cause of a contract, without the which no contract can binde the partie: this consideration is either expressed, as when a man bargaineth to give xx. s. for a horse: or is implied, as when the Law it selfe enforceth a consideration, as if a man comes into a common Inn, and there staying some time, takes meat or lodging, or either, for himselfe or for his horse, the law presunneth that he intendeth to pay for both,

peace le Roy observe. Quel peace en effect est define desirer vn detention ou abstinence de cel iniurio^r force & violence q^{ue} homes irregular & indomit sont en leur natures apt de vser envers auters, sinon que ils s'uef restrainte pleyes & pavor de castigac^{on}. De ceux Conservato^{rs} Monsieur Lambert ouster dit, que deuant le temps del Roy E. 3. que primier^{ement} cōstitue Just. del Peace, la s'uef di^{vers} persons que p^{ar} le cōmon ley au^{ant} infest en le gardiancy del Peace. De ceux ascuns ont c^{ette} charge cōe incident a leur offices, & isint include deins m^{esmes}, nient obstant ils s'uef appel per le nomme & leur office soleme^{nt}: asc^{uns} aut^{res} ont ceo soleme^{nt} cōe de luy m^{esme}, & s'uef de c^{ette} nomme Custodes Pacis, Gardians ou Conservato^{rs} del Peace. Et ceux ambideux sorts sont arere subdiuide per M. Lambert en son Eirenarcha, li. 1. ca. 3.

Consideration.

Consideration est l'effectual cause d'un Contract, sans le q^{uel} nul Contract poit lier le partie: ceo Consideration est ou expresse, sicome quant vn hōe bargaine a dōer vne soultz pur vn Chival: ou est implie, sicome quant le Ley mesme enforce vn consideration, cōme si vn hōe vient en vn common hostel, & la cōmorant ascun tēps, prist viands & gisure, ou asc^{un}, p^{our} luy m^{esme}, ou pur son Chival, le ley presume que il entēd a payer p^{our} ambideux,

The Exposition of

nient obstant riens soit ouster
Couenant pent luy & son host-
ler, & pur c'sil ne discharga pas
le meason, le hostl' poit retaiñ
son Chiuall.

Auxy la est consideration de
nature & sanke, & valuable con-
sideration, & pur ceo si home soit
endet a diuers auters, & nient
obstāt en consideratiō de natu-
ral affectiō done tous les biens
a son Fils ou Cosine, ceo serra
entend destre vn fraudulēt dōc
deins l'act de 13. Eliz. cap. 5. ppr
ceo que cest act entend vn va-
luable Consideration.

Consistory.

Consistory est Mease del Coun-
sell pur persons Ecclesiastical,
& est vn parol emprunt del Ita-
lianois ou plus tost des Lūbards,
& signifie tant cōe *Pretorium. Est*
vocabulum utriusque Iuris, & est
vse pur le lieu del Iustice en les
courts espirituals ou Christians.

Conuocation.

Conuocation est communement
prise p l'assembly a tout les
Clerks, p cōsult de choses eccle-
siastical, en tēps de Parlemt; &
sicome la sont deux measons de
Parlemt, issint la sont deux lieux
appel measōs de Couocatiō, l'un
appel le plus alt measō de Con-
uocation, ou les Archieuesques
& Euesques sedont seueralmt p
eux mesmes, l'auter le inferior
meason de conuocation, ou tout

notwithstanding that nothing be
further couenanted betwene him
and his host, and therefore if hee
discharges not the house, the host
may stay his horse.

Also there is consideration of
nature and blood, & valuable con-
sideration, and therefore if a man
bee indebted to diuers others, and
yet notwithstanding in considera-
tion of naturall affection giueth all
his goods to his son or cousin, this
shalbe construed a fraudulent gift
within the act of 13. Eliz. cap. 5. be-
cause that this Act intendeth a va-
luable consideration.

Consistory.

Consistory is the Counsell house
of Ecclesiastical persons, and
it is a word borrowed of the Ita-
lians or rather the Lombards, and
signifies as much as tribunall. It
is *vocabulum utriusque Iuris*, and is
bled for the place of Justice in the
courts Christian or Spirituall.

Conuocation.

Conuocation is commonly tak-
en for the assembly of all the
Clergie to consult of Ecclesiasti-
cal matters in time of Parlia-
ment: & as there are two houses of
Parliament, so there are two
places called Conuocation hou-
ses, the one called the higher Con-
uocation house, where the Arch-
bishops and Bishops sit seuerally
by themselves, the other, the
lower Conuocation house, where
all

all the rest of the Clergie are be-
stowed. Vide Prolocutor.

le residue des Clerks sont be-
stow. Vide Prolocutor.

Consolidation.

Consolidation is vsed for the
combining and uniting of two
Benefices in one ; and this word
is taken from the Civile law,
where it properly signifieth, a
uniting of the possession, occupati-
on, or profit, with the property ;
as if a man hath by legacy, usuri-
fruct fundi, and after purchaseth
the property or fee simple of the
heire, in this case a consolidation
is made of the profits and proper-
ty, Vide Br. tit. Union.

Consolidation.

Consolidation est vsé pur le cō-
binancie & vnificēce de deux
Benefices en vn ; & cest parol
est prisé de le Ley Ciuille, ou il
properment signifie vn uniting
del possession, occupation, ou
profit ou le property : come si
home ad p legacy, *usum fructum
fundi*, & puis purchase le pro-
perty, ou fee simple del heire, en
ce case vn consolidation est fait
des profits & property ; Vide
Brook. tit. Union.

Conspiracie.

Conspiracie, notwithstanding
that in Latin and French it is
vsed for an Agreement of men to
doe a good or euill thing, yet it is
commonly taken in the law in
the euill part : It is defi-
ned in 34. Ed. 1. Stat. 2. to bee
an agreement of such as confe-
der or binde themselves by oath,
covenant, or other allpance, that
euery of them shall beare and ayd
the ocher falsely and maliciously,
to indite or falsly to moue or main-
taine Pleees, and also such as
cause Children within age to ap-
peale men of Felony, whereby
they are imprisoned and sore
griued : and such as maintaine
men in the Country with Liue-
ries and fees to maintaine their

Conspiracie.

Conspiracie, nient obstant que ē
Latyne & Francois est vsé pur
vn agreement des homes, a faire
vn chose bone ou male, vncore
il est communément prisé ē le Ley
en l'male part : Il est define en
34. Edw. 1. Stat. 2. destre vn
agreement de tiels q̄ confederēt
ou lieroūt eux mesmes p seēm̄,
covenāt, ou autre allpance, que
chescun de eux portera & aidera
l'auter fausmēt & maliciouſment,
denditer, ou fausmēt a mouer ou
maintainer Pleees, & auxy tiels,
q̄ causāt Enfans deins age d'ap-
pealer hōes de Felony, p que ils
sont imprison & dūremēt griue :
& tiels que reteignent gents en
le pais ou Liueries ou fees
de maintenir leur actions ma-
licious,

The Exposition of

licitious, & ceo extēd cybiē a les
prifors come les donors. Auxy
Seneschals & Recueus de grand
Seigniors, que per lour Seigni-
orie, Office, ou poyar, assume
de porter ou maintenir qua-
rels, plices, ou debates que con-
ternount auters parties, queriels
que touchant lestate de lour
Seigniors, ou deux mesmes,
*Anno 4. Edward. 3. cap. 11. 3.
Hen. 7. cap. 13. Et de ceo vics
pluis, 1. Hen. 5. cap. 3. 18. H. 6.
cap. 12. & auxy en le veiel
Lieu de Entries, verb. Conspi-
racie.*

Et ceoparol en les lieux de-
uant rehearse, est prise pluis
generalment, & est confound
oue Maintenance & Champertie,
mes en vn pluis special sig-
nification il est prise pur vn
Confederacie parenter deux, ou
plafars, fauxcēt enditer vn, ou
de procurer vn destre endite de
Felonie : Et le punishment de
Conspiracie sur vn Indictment de
Felonie al suit le Roy, est, Que
le partie attainit perdera son
Frank Ley, al entent que il
ne soit impannell sur iuries, ou
Assises, ou tiels semblables
employments pur le testificati-
on del voyerie : Et sil ad a
faire en le Court le Roy, que il
fait son Atturney, & que ses
Terros, Biens, & Chattels,
sont seise en le maines le Roy,
ses Terres estreape, ses Arbres
defolde, & son corps com-
mise al prison, 27. *Lib. Assise
59. Crompton 156. b.* ceo est
appel villanus iudgement.

malicious enterprises, and this
extendeth as well to the Takers
as to the Givers. Also Stew-
ards and Waylives of great
Lords, who by their Seignio-
rie, Office, or Power, undertake
to beare or maintaine quarrels,
Plices, or debates that concerne
other parties than such as touch
the Estate of their Lords, or of
themselves, *Anno 4. Edward. 3.
cap. 11. 3. Hen. 7. cap. 13. And
thereof see more, 1. Hen. 5. cap. 3.
18. H. 6. cap. 12. and also in the
old Booke of Entries, word Con-
spiracie.*

And this word in the places
before rehearsed, is taken more
generally, and is confounded with
Maintenance and Champerty,
but in a more speciall signifi-
cation it is taken for a confede-
racie betwene two or more falsly
to indict one, or to procure one
to bee indicted of Felony : And
the punishment of conspiracy
vpon an Indictment of Felony
at the Suit of the King, is,
That the party attained shall
lose his franke lads, to the intent
that hee bee not impannelled
vpon Juries or Assises, or such
like employments, for the testi-
fying of the truth : And if hee
hath to doe in the Kings Court,
that hee maketh his Atturney,
and that his Lands, Goods,
and Chattels bee seised into
the Kings hands, his Lands
estreaped, his Trees digged up,
and his body committed to Pri-
son, 27. li. *Assise 59. Crom. 156.
b.* this is called villanus iudge-
ment,

ment, But if the party gathered
will sue a writ of Conspiracy,
then see F. N. B. 124. d. 115. i.
&c.

Mes si le partie grieved
suer vn briefe de Conspiracy,
donque veies F. N. B. 114. d.
115. i. &c.

Constable.

Constable.

Constable is diuersly used in
the common law: And first
the Constable of England,
who is also called Marshall,
Staw. Pl. Cor. fol. 65. of whose
authoritie and dignitie a man may
make many arguments and
signes, as well in the statutes,
as in the Chronicles of this
Realm: his way consisteth
in the care of the common peace of
the land, in deeds of armes and
matters of wars, Lamb. Duties
of Constables num. 4. Inherewith
agreeth the Stat. of 13. R. 2. c. 2.
Stat. 1. Of this Officer or mag-
gistrat, M. Gwyn in the Preface
to his Readings, saith to this pur-
pose, The Court of the Con-
stable and Marshall determineth
Contracts touching Deeds of
armes out of the Realme, and
handleth things concerning
ways within the Realme, as
Combats, Blasons of armory,
and such like, but hee hath no-
thing to doe with battell in ap-
peale, nor generally with any
other thing that may be tried by
the law of the Land, See For-
tescue c. 32. This office hereto-
fore was appertaining to Lords
of certaine Mannors, iure feudi,
and wher it is discontinued, see
Dyer 285. placito 39.

Constable est diuersement vsé
en le Common ley; Et pri-
merment, le Constable D'en-
gleterre, que est auxy appel
Marshal, Staw. Pl. Cor. fo. 65.
de lauthoritie & dignité & quel-
home peut trouver plusieurs argu-
ments & signes-cy bien en les
Statutes, come les Chronicles
de ceo Royaulme: son poyar con-
sist en le care del Commō peace
del Terre, en faits marshal, &
choses de chivalrie, Lamb. Du-
ties des Constables, num. 4. oue
que agree le Statute de 13.
Rich. 2. cap. 2. Statute 1. De
ceo Officer ou Magistrate, Mon-
sieur Gwyn en le Preface a ses
Lectures dit a tiel effect, Le
Court de Constable & Marshal
finist contracts touchant faits de
Chivalrie, hors del Royaulme,
& treat choses concernount
guerres deins le Royaulme, come
combats, blasons d'armorie, &
tiels semblables, mes il nad a faire
oue bartel en appeale, ne gene-
ralint oue ascun aut chose que
peut estre trye p les leys del tre.
Vies Fortescue cap. 32. Cest
office en temps par deuant, fuit
appreynant al Surs de certaine
Manors, iure feudi, & par quel
cause c' discontinuē, veies Dy.
285. Pl. 39.

The Exposition of

Mors de del Magistracie, (dit Monsieur Lambert) s'ent'rahe ceux sont Constables, les quels nous appellomus Constables des Hundreds & Franchises, & primier ordain per l'estatut de *Winch. 13. E. 1.* le quel appoint p l'conservation del Peace, & view d'armoir, deux Constables & chescun Hundred & Franchise, & ceux sont a cest iour appellez Constables, p c' q l'increase des gens & peches, ad arere south ceux fait aus en chese' ville, appel petit Constables, queux sont de semblable nature, mes d'inférieur autoritie al autre.

Outter ceux la sont Officers de particular lieux, appel' per cest nosme, cbe Constable del Tower, *Stawn. 152. 1. Hen. 4. 13.* Constable de Exchequer, *15. Henr. 3. Stat. 5.* Constable de Douer Castle, *Camb. Brit. p. 239. Fitz. N. B. autrnt appelle Castellain. M. Manwood part. 1. cap. 13.* de les *Leyes del Forest*, fait mention dun Constable del Forest.

Consultation.

Consultation est vn Brieve per que vn cause estant par deuant remoue per prohibition, hors del Court Ecclesiasticall, ou Court Christian, al Court le Roy, est la retourne arere: Car si les iudges del Court le Roy comparont le libel ou le suggestion del partie, trouant le suggestion faulx, ou nient prouf, & par ceo le cause deure

Out of this Magistracie (saith M. Lambert) there be taken these latter Constables, which we call Constables of Hundreds and Liberties, and first ordained by the Statute of *Winch. 13. Edw. 1.* which appoints for the conservation of the peace, and view of Arms, two constables in every Hundred and liberty, and these be at this day called high Constables, because the increase of people and offences, hath againe vnder these made others in every towne, called petty Constables; who are of the like nature, but of inferior authoritie to the other.

Besides these, there are officers of particular places called by this name, as Constable of the Tower, *Stawn. 152. 1. H. 4. 13.* Constable of the Exchequer, *15. H. 3. Stat. 5.* Constable of Dover castle, *Camb. Brit. p. 239. Fitz. N. B.* otherwise called Castellain. *M. Manwood part. 1. cap. 13.* of his Forest Lawes, maketh mention of a Constable of the forest,

Consultation.

Consultation is a writ where by a cause being formerly removed by prohibition, out of the Ecclesiasticall Court or Court Christian, to the Kings Court, is returned thither againe: For if the Judges of the Kings Court comparing the Libell with the suggestion of the party, finde the suggestion false, or not proued, and therefore the cause to bee wrongfully

wrongfully called from the Court Chyilian, then upon this consultation or deliberation, they decree it to bee returned againe, whereupon the writ in this case obtained, is called a Consultation. Of this you may read the Reg. orig. fol. 44. untill fo. 58. Old N. B. fo. 32. & F. N. B. fo. 59.

fortioursment appelle del Court Christeine; donque sur ceo consultation ou deliberation, ils decree ces destre retournerre, sur que le Briefe en ceo case obtaine est appel vn Consultation. De. oco. vous payes lier le. Regist. orig. fo. 44. iclque fol. 58. Vel. N. B. fo. 32. & F. N. B. fo. 59.

Contenement.

Contenement, seemeth to bee the freehold land that lieth to the Tenement or dwelling house that is in his proue occupation; for in Magna Charta cap. 14. there are such words, A freeman shall not bee amerced for a small fault, but according to the quantitie of the fault, and for a great fault according to the manner thereof, saving unto him his Contenement or freehold: And a Merchant shall also bee amerced, saving to him his Merchandises, and a villeine saving to him his wainage.

Contenement.

Contenement, semble destre la Franktenemēt Terre que gist al tenement ou maison que est en son occupation demesne; Car en Magna Charta cap. 14. la sont tiels parols, Vn Franke home ne serra aſſacie pur vn petit offence, mes accordant al quantitie del offence, & pur vn grand offence, accordant al manner de ceo, sauant a luy son contenement ou franktenement; Et vn Merchant serra auxy amercy, sauant a luy ses Merchandizes, & vn villeine sauant a luy son gaignage.

Continuance.

Continuance in the Common Law is of the same signification with Prorogatio in the Civile Law: As continuance untill the next Assise, F. N. B. 154. f. and 244. d. in both which places it is said, That if a Record in the Tresurie bee alleged by the one partie, and denied by the other, a Certiorari shall be sued to the Treasurer and the

Continuance.

Continuance en le Common Ley est de mesme signification oue Prorogatio en le Civile Ley: come continuance ielsque le procheine assise; F. N. B. 154. f. & 244. d. en queux ambideux lieux il est dit, Que si vn record en le Tresurie soit allegee per l'un party & denie per l'auter, vn Certiorari serra sue al Treasurer & le Chamberleine

The Exposition of

laine, & exchequer, & ils ne certifie pas en le Chancery que ciel record est la, ou que est semblable desre en le Tower, le Roy mittera al iustices, recytant le dit Certificate, & commandant eux de continuer l'assise: En reosignification est auxy vs per Kyrcin 202. & 199. auxy Anno 11. H. 6. cap. 4.

Customs.

Consuetudin' & seruitiis, est vn Briefe, & gift louies ou mes ancestors depuis le limitation de Assise (pur quel veies le Title de Limitation & le Collection de Statutes) ne fueront seises des customes ou seruices de mes tenat, mes deust, donques ico assise bñe pur recouer ceux seruices.

Auxy le tenaunt portauer cest Briefe vers son Seignieur, mes apres que le tenant ad count, le Seignieur defendera les motes del Count, & repliant dirra, que il ne distreina pas pur les Customs dont le count est, & donques il countera tout le count de les Customs & Seruices, & donques le tenaunt que fuit pl' deuiendra defendant, & defendra per bataille ou grand Assise.

Continual claime.

Continual claime est lou home ad droit de entre en certaine terres dont vn auter est seise en Fee simple, ou Fee taile, & il ne olast enter pur pauour de

Chamberlaine of the Exchequer, and if they doe not certifie in the Chancery that such Record is there, or that it is like to bee in the Tower, the King shall send to the Iustices, repeating the said Certificate, and commanding them to continue the Assise. In this signification it is also vsed by Kyrcin, 202. and 199. also Anno 11. H. 6. cap. 4.

Customs.

Customes and seruices is a writ, and lyeth where For my ancestors after the limitation of Assise (for which, see the title of Limitation in the collection of Statutes) were not seised of the customes or seruices of my tenant before, then I shall haue this writ to recouer those seruices.

Also the tenant may haue this writ against his Lord, but after that the tenant hath declared, the Lord shall defend the words of the declaration, and replying shall say, that hee distrained not for the customes whereof the declaration is, and then hee shall declare all the declaration of the customes and seruices, and then the tenant, who was plaintiffe, shall become defendant, and shall defend by bataille or great Assise,

Continuall claime.

Continuall claime is where a man hath right to enter into certaine lands whereof another is seised in fee simple, or fee taile, and hee dare not enter for feare of death

death or beating, but approacheth as nigh as he dare, and maketh claime thereto within the yeare and day before the death of him that hath the Lands, if after he which hath the land die seised, and his heire is in by disceit, yet he that maketh such claime may enter by the heire, notwithstanding such disceit, for that he hath made such continual claime; but it behooveth that such claime alwayes bee made within the yeare and the day before the death of the tenant, for if such a tenant doe not dye seised within a yeare and a day after such claime made, and yet hee that hath right dare not enter, then it behooveth him that hath such right to make another claime within the yeare and day after the first claime, and after such second claime, to make the third claime within the yeare and day, if hee will be sure to saue his entrie.

But if the Disseisor dye seised within the yeare and day after the disseisin, and no claime made, then the entrie of the disseisee is taken away, for the yeare and day shall not bee taken from the time of the title of the entrie to him grohane, but onely from the time of the last claime by him made, as is aforesaid. See more hereof in Littleton lib. 3. cap. 7. and see now the Stat. 32. H. 8. cap. 33.

Counterplee.

Counterplee is when one bringeth an action, & the tenant in his answer, and plea, boutheth or calls

mort ou batterie, mes approcher cy pres come il oist, & fait claime a ceo deins le an & iour deuant le mort de cestuy que ad le terre, si apres cestuy que ad le terre deuit seise, & son heire est eins per disceit, vncore cestuy que fait tiel claime poit enter sur le heire, ment contrisiant tiel disceit, par ceo que il ad fait tiel continual claime. Mes il couient que cest claime tous foits soit fait deins l'an & iour deuant le mort letenaunt, car si tiel tenaunt ne morust seise deins l'an & iour apres tiel claime fait, & vncore il que ad droit n'ost enter, donques couient al cestuy que ad tyel droit de faire autre claime deins l'an & iour apres le primer claime, & apres tiel second claime de faire le tierce claime deins l'an & iour, si il voit este sure de sauer son entry.

Mes si le Disseisor deuit seise deins l'an & iour apres le disseisin, & nul claime fait, donques le entrie le disseisee est rolle, car l'an & iour ne sera prise de le temps del title de ntree a luy accrue, mes seulement de le temps del dairaime claime per luy fait, come est auandit. Voies plus de ceo en Littleton lib. 3. cap. 7. & v. ore lestatute 32. H. 8. cap. 33.

Counterplee.

Counterplee est l'ou vñ port vñ action, & le tenaunt en son respons & plea vouch ou appel

pur aucun homme par garrant son
title, ou praver ayd de autre,
que ad melior estate, come de
ceuy en la reuerſion, ou si vn
estrange al action, vient & priera
destre rescue de sauer son estate.
Si le demandant reply a ceo, &
monstre cause que il ne doit tiel
homme vouher, ou que ne doit
de tiel homme ayde auer, ou que
tiel homme ne doit estre rescue, cest
plee est appel vn counterplee
al vouher, ayde, ou rescut,
come le case est, mes si le vou-
cher soit allow, & quant le vou-
chee vient cins & demande
quel chose le tenant ad de luy
vouher, & le tenant monstre
son cause, & le vouher plede
aucun matter de auoide le Gar-
rantie, ceo est appel counter-
plee del Garantie.

Countermand.

Countermand, est quant chose
execute par deuant est a-
pres per aucun acte ou ceremonie
frustrate & anient per le partie
que ad ceo primes fait. Come
si homme ad fait son darraigne vo-
lunt, per que il deuise son
terre al I. S. & puis il enfeoffe
auter homme de meisme le terre,
ore ceo enfeoffement est vn Coun-
termand al volunt, & le volunt
quant al disposition del terre est
voide. Si feme seise de terre en
fee, si si volunt en escript, &
per ceo deuise que si A. de
B. luy succedra, que donque
el deuise & bequeath a luy &
a ses heires la terre, & apres

leth for any man to warrant his
title, or praver in ayd of an o-
ther, which hath better estate
than he, as of him that is in the
reuerſion, or if one that is a stran-
ger to the action, come & pray to
be receiued, to saue his estate, if
the demandant reply thereto, and
shew cause that he ought not such
a one to bouch, or that hee ought
not of such a one to haue ayd, or
that such a one ought not to bee
receiued, this plee is called a
Counterplee to the boucher, ayd,
or rescut, as the case is, but if the
boucher be allowed, and when the
bouchée cometh in & demandeth
what cause the tenant hath, and
the tenant sheweth his case, & the
bouchée plead any thing to auoyd
the warrantie, that is called a
counterplee to the warranty.

Countermand.

Countermand is wherz a thing
formerly executed is afterward
by some act or ceremony frustra-
ted and made voyd, by the party
that hath done it first. As if a
man hath made his last will,
wherby hee deuiseeth his land to
A. S. & afterwards hee infeof-
feth another man of the same lād,
therz this feoffement is a Coun-
termand to the will, and the will
as to the disposition of the land is
voyd. If a woman seised of land
in fee maketh a will in wri-
ting, and deuiseeth that if A. of
B. surviveth her, that then she
deuiseeth and bequeaseth to him
and his heires her land, and after-
ward

ward her entremarried with the said B. of B. there by taking of him to husband and couerture at the time of her death, the will is countermanded.

But if a Baronesse widow retineth 2. Chaplaines according to the Statute, & afterwards taketh one of the nobilitie to husband, and afterwards the husband dyeth, the retainer of those two Chaplaines remaineth, and they without new retainer may take two Benefices, for their retainer was not determined nor countermanded by such marriage.

If a woman maketh a lease at will, and afterward taketh a husband, this marriage is no countermand to the lease without expresse matter done by the husband after the marriage to determine the will. Also if a lease be made at will to a woman, and she taketh a husband, the lease continueth notwithstanding the marriage, and it is no countermand thereunto.

Contract.

Contract is a bargain or covenant betwene two parties, where one thing is given for another, which is called (Quid pro quo) as if I sell my horse for money, or if I covenant to make you a lease of my manour of Dale, in consideration of xx. li. that you shall give mee, these are good contracts, because there is one thing for another: But if a man make promise to mee, that

el entremarrie sur le dix A. de B. tre per prisel de luy a baron & couertus al temps a la mort le volunt est countermand.

Mes si vn Baronesse widow retaine deux Chapleines, selonque le Statute, & puis prist vn de nobilitie a baron, & puis le baron morust, le retainer de ceux deux Chapleines remaine, & els sans nouvel retainer poyent prendre deux Benefices, car leur retainer ne fuit determine ne countermand per tel mariage.

Si femme fist lease a volunt, & puis prist baron, ceo mariage nest countermand al lease sans expresse matter fait per le baron apres le mariage a determiner le volunt. Auxy si lease soit fait al femme a volunt, & el prist baron, le lease continue sans obstant le mariage, & il nest countermand al ceo.

Contract.

Contract est vn bargain ou covenant perentier deux parties, l'un vn chose est done par auter, & est appelle (Quid pro quo) c'est si ie vende mon cheval par argent, ou si ie covenant de faire lease a vous de mon manour de Dale, en consideration de xx. li. que vous donnez a moy, ceux sont bone contracts, pur ceo q'il ad vn chose par auter. Mes si vn hois fait promise a moy, que

ieo auera xx. s. & que il voile
este dettour a moy de ceo, &
puis ieo demande xx. s. & il
ne voile a moy deliuer, vncore
ieo nauera iammes action pur
recouer cest xx. s. pur ceoque
cest promise ne fux contract,
mes nudus pactus. Et ex nudo
pacto non oritur actio, mes si al-
cun chose fuyt donee pur le xx. s.
mesqu'il ne fuit forsque al va-
leur vn denier, donques il fuit
bone contract.

Contra formam collationis.

Contra formam collationis est vn
Briefe, & gift lou home donec
terres en perpetual almsigne
a aucun maison de Religion,
come a yn Abbe & la Couent,
ou a une soneraigne, ou al Gar-
dien ou Master de aucun Hospi-
tal, & son Collet de monier for-
raigne pour homes, & de faire
auter diuine seruice, sils alien-
les terres, donques le donour ou
ses heires aueront le dit Briefe
pur recouer le terre, mes cest
briefe serra tous foits port vers
le Abbot ou son successeur, &
nemy vers le alienee, ceoynt
que il soit tenant : mes en totts
autres actions lou hōc demand
franktenement, le briefe serra
port vers le tenant del terre.
Vide le Stat. Westm. 2. Cap. 41.

Contra formam feoffamenti.

Contra formam feoffamenti est
vn Briefe, & gift lou vn home

I shall haue xx. s. & that he will
be debtor to me thereof, and after
I aske the thientie s. and he will
not deliuer it, yet I shall neuer
haue any action to recouer this
thientie shillings, for that that
this promise was no contract,
but a bare promise. And ex nudo
pacto non oritur actio, but if any
thing were given for the thientie
shillings, though it were not but
to the value of a penny, then it
had bene a good contract.

Contra formam collationis.

Contra formam collationis is a
writ, and it lyeth where a
man hath giuen Lands in perpe-
tual almes to any of the late
houses of Religion, as to an Ab-
bot, and to the Couent, or other
soneraigne, or to the warden or
Master of any Hospitall, and
his Couent to find certaine poore
men, and to doe other diuine ser-
uice, if they alien the lands, then
the donoz or his heires shall haue
the said writ for to recouer the
land, but this writ shall be al-
way brought against the Abbot
or his successor, and not against
the Alienee, although that hee
be tenant, but in all other actions
where a man demandeth freehold,
the writ shall be brought against
the tenant of the land. See the
statute Westm. 2. cap. 41.

Contra formam feoffamenti.

Contra formam feoffamenti is a
writ, and it lyeth where a man
before

before the statute of *Quia emptores terrarum*, which was made Ann. 18. Ed. the first infeoffed another by deed to do certaine service, if the feoffour or his heires distraine him, to doe other service than is comprised in the deed, then the tenant shall have this writ, commanding him that hee distraine not him to doe other service, that is not comprised with in the deed, but this writ lyeth not for the plaintife which claimeth by purchase from the first feoffee, but for such plaintife as claimeth as heire to the first feoffee.

Contribucione facienda.

Contribucione facienda is a writ, and it lyeth where there are divers *Parceners*, and hee which hath the part of the eldest both make all the suit to the Lord, the others ought to make contribution to him, and if they will not, hee shall have against them the said writ. In some Cases the heire shall have Contribution, and in others not, but shall be alone charged: For if a man be seised of three acres of land, and acknowledgeth a *Mecongnisance* or statute, &c. and infeoffeth B. of one acre, & C. of another acre, and the third descends to his heire, if execution be sued against the heire onely, he shall not have contribution against any *Purchasor*, yet he is charged as terre-tenant, and not as heire, for the land, and not himselfe, is charged. Yet if a man be seised of 2. acres, the one of

deuant le Statute de *Quia emptores terrarum*, quel fuit fait An. 18. Ed. le premier, infeoffe autre par fait de faire certaine service, si le feoffor ou ses heires distraint luy de faire autre service que est comprise en le fait, entonces le tenant auea cest Briefe, luy commandant que il ne distraint luy de faire autre service, que n'est comprise deins le fait, mes cest Briefe ne gist pur le plaintife que clame par purchase del premier feoffee, mes par tiel plaintife que clame come heire al premier feoffee.

Contribucione facienda.

Contribucione facienda, est un Briefe, & gist lou sont diuers *Parceners*, & celuy que ad le part del eigne, fait tout le suit al Seignieur, les autres doyent faire Contribution a luy, & s'ils ne voient, il auea vers eux le dit Briefe. En aucuns cas le heire auea contribution, & en autres nemy, mes sera solement charge: car si home soit seisi de troyz acres de Terre, & conust un recognisance ou statute, &c. & infeoffe A. d'un acre, & B. d'un autre acre, & le tierce descend a son heire, si execution soit sue salement vers le heire, il n'auea contribution vers aucun *Purchasor*, vncore il est charge cōe Terre-tenant, & nemy come heire, car le Terre, & nemy luy mesme, est lie. Vncore si home soit seisi de deux acres, l'un

ico aucta x. s. & que il voile
este detour a moy de ceo, &
puis ico demande xx. s. & il
ne voile a moy deliū, vncore
ico nauera iammes action pur
recouer cest xx. s. pur ceoque
cest promise ne fuit contract,
mes nudus pactus. Et ex nudo
pactis non oritur actio, mes si al-
cun chose fuit done pur le xx. s.
mesque il ne fuit forsque al vs-
ue vi denier, donques il fuit
bonc contract.

Contra formam collationis.

Contra formam collationis est vi
Briefe, & gift lou home done
terres en perpetual almoigne
a aucun maison de Religion,
come a un Abbe & la Couent,
ou auter souveraigne, ou al Gar-
dien ou Master de aucun Hospi-
tal, & son Collet de donner cer-
taine pour homes, & de faire
auter diuine service, s'ils ont
les terres, donques le donour ou
ses heires aueront le dit Briefe
pur recouer le terre, mes cest
briefe sera touz foiz port vers
le Abbot ou son successeur, &
niemy vers le alienee, come
que il soit tenant : mes en touz
auters actions lou hōc demand
frankement, le briefe sera
port vers le tenant del terre.
Vide le Stat. Westm. 2. cap. 41.

Contra formam feoffamenti.

Contra formam feoffamenti est
vi Briefe, & gift lou un home

I shall haue xx. s. & that he will
be debtor to me thereof, and after
I aske the thientie s. and he will
not deliuer it, yet I shall neuer
haue any action to recouer this
thientie shillings, for that that
this promise was no contract,
but a bare promise. And ex nudo
pactis non oritur actio, but if any
thing were given for the thientie
shillings, though it were not but
to the value of a penny, then it
had beene a good contract.

Contra formam collationis.

Contra formam collationis is a
Writ, and it lyeth where a
man hath given Lands in perpe-
tuall almes to any of the late
houses of Religion, as to an Ab-
bot, and to the Couent, or other
souveraigne, or to the warden or
Master of any Hospitall, and
his Couent to find certaine poore
men, and to doe other diuine ser-
vice, if they alien the lands, then
the donour or his heires shall haue
the said writ for to recouer the
land, but this writ shall be al-
way brought against the Abbot
or his successor, and not against
the Alienee, although that hee
be tenant, but in all other actions
where a man demandeth freehold,
the writ shall be brought against
the tenant of the land. See the
statute Westm. 2. cap. 41.

Contra formam feoffamenti.

Contra formam feoffamenti is a
Writ, and it lyeth where a man
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before the statute of *Quia emp-
res terrarum*, which was made
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ther by deed to do certaine service,
if the feoffor or his heires di-
straine him, to doe other service
than is comprised in the deed, then
the tenant shall have this writ,
commanding him that hee di-
straine not him to doe other ser-
vice, that is not comprised in the
deed; but this writ lyeth not
for the plaintife which claimeth
by purchase from the first feoffee,
but for such plaintife as claimeth
as heire to the first feoffee.

deuant le Statut de *Quia emp-
res terrarum*, quel fut fait An.
18. Ed. le premier, infeoffe au-
ter par fait de faire certaine ser-
uice, si le feoffor ou ses heires
distraigne luy de faire autre ser-
uice que est comprise en le fait,
alorsques le tenant auera cest
Brieffe, luy commandant que il
ne distraigne luy de faire autre
seruice, que n'est comprise deins
le fait, mes cest Brieffe ne gist
pur le plaintife que claimer par
purchase del premier feoffee, mes
pur tiel plaintife que claimer
como heire al premier feoffee.

Contributio facienda.

Contributio facienda.

Contributio facienda is a
writ, and it lyeth where there
are diuers *Parceners*, and hee
which hath the part of the eldest
doth make all the suit to the Lord,
the others ought to make contri-
bution to him, and if they will
not, hee shall haue against them
the said writ. In some Cases the
heire shall haue Contribution,
and in others not, but shall bee
alone charged: For if a man be
seised of three acres of land, and
acknowledgeth a *Recognisance*
or statute, &c. and infeoffeth B.
of one acre, & C. of another acre,
and the third descend to his heire,
if execution be sued against the
heire onely, he shall not haue con-
tribution against any *Purchasor*,
yet he is charged as terre-tenant,
and not as heire, for the land, and
not himselfe, is charged. Yet if a
man be seised of 2. acres, the one of

Contributio facienda, est vn
Brieffe, & gist lou son diuers
Parceners, & celui que ad le
part del eigne, fait tout le suit al
Seignieur, les autres doyent
faire Contribution a luy, & s'ils
ne voient, il auera vers eux
le dit Brieffe. En aucuns ca-
ses le heire auera contributi-
on, & en autres nemy, mes
serra solement charge: car
si home soit seisi de troys acres
de Terre, & conuist vn recog-
nissance ou statute, &c. & in-
fesse A. d'un acre, & B. d'un
autre acre, & le tierce descend a
son heire, si execution soit sue
solemet vers le heire, il n'auera
contribution vers aucun *Pur-
chasor*, vncore il est charge cōe
Terre-tenant, & nemy come
heire, car le Terre, & nemy luy
mesme, est lie. Vncore si home
soit seisi de deux acres, l'un
de

de nature de Burrough English,
& lye luy si come douant, &
morust ayant issue deux filles,
queux font partition, en cest
case si l'un soit charge, el aura
contribution, car sicome vn
Purchasour aura contribution
vers autors, & vers le Heire le
Conusee auxy, issint vn heire
aura contribution vers auter
Heire, car ils sont in equali
gradu. Auxy si home soit issint
lie, & puis son mort aucun de son
terre descend al heire le part le
pier, & aucun al heire del part
le miere, l'un solement ne sera
charge, mes sil soit il aura con-
tribution. En Dower si le Te-
nant vouch le heire en Garde a
troys seuerall Seigneurs, chef-
eun sera ouelment charge. Si
deux, quater, ou plusors homes
soient seuerallment seise de
Terre, & ils tous ioyne en vn
Recognisance, en cest case le
Conusee ne poit extend le Terre
del aucun des Conusors solement,
mes tous doyent ouelment estre
charge: Car come que le Terre
del Conusor mesme poit estre
solement extend quant diuers
homes ont purchase aucun del
Terre subiect al recognisance,
pur ceo que le purchasour est
en auter degree que le Conusor
mesme: Vncore vn de les Conu-
sors ne sera solement charge,
car il estoit en ouel degree que
les autres Conusors. Si iudg-
ment soit done vers deux Dis-
seisors en Assise pur l' Terre &
damages, & lu disseisor morust,
l'execuc ne sera agard vers le

the nature of borough English; &
bindeth himselfe as before, and
dyeth hauing issue two daugh-
ters, which make partitio, in this
case if the one be charged she shall
haue contribution; for as one pur-
chasor shall haue contribution a-
gainst others, and against the
heire of the Conusee also, so one
heire shall haue contribution a-
gainst another heire, for they are
in equal degree: Also if a man be
so bound, and after his death some
of his land descendeth to the heir
of the part of the father, and some
to the heire of the part of the mo-
ther, the one alone shall not be
charged, but if he be hee shall haue
contribution. In dower if the tenat
voucheth the heire in ward to
three seuerall Lords, each of them
shalbe equally charged. If two,
four, or more men be seuerally
seised of land, & they all ioyne in a
Recognisance, in this case the Co-
nusee cannot extend the Land of
any of the Conusors alone, but
all ought equally to be charged:
for although that the Land of the
Conusor himselfe may be onely
extended where diuers men haue
purchased any of the land subiect
to the Recognisance, because that
the Purchasor is in another de-
gree than the Conusor himselfe:
yet one of the Conusors shall not
be solely charged, for he stands in
equall degree with the other Co-
nusors. If iudgement be given a-
gainst two disseisors in Assise for
the land and damages, and one
disseisor dyeth, the execution shall
not be awarded against the sur-
uiving

uiuing Disseisor that was party to the wrong, but as well the heire as the Disseisor shall bee equally charged. But otherwise it is in personall binding, as if two are bound in an obligation, there the charge shall suruiue.

And in these cases where it is said, that the one purchaser shall haue contribution, it is not thereby intended that the others shall giue or allow vnto him any thing by way of contribution, but it ought to be intended that the partie that is solely extended for all, may by an Audita querela or Scire facias as the case require, defeat the executiō, and thereby it all be restored to all the mean profits, and force the conuisee to sue execution of all the land, so in this manner euery one shall be contributoe, viz. the land of euery terre-tenant shall be equally extended.

Copyhold.

Copyhold is a tenure for which the Tenant hath nothing to shew but the copies of the Rolles made by the Steward of his Lords Court: for the Steward as he intolleth & maketh remembrances of al other things done in his Lords court, so hee doth also of such Tenants as be admitted in the Court, to any parcell of land or tenements belonging to the manor, and the transcript of this is called the Court roll, the copy whereof the tenant taketh from him, & keepeth as his onely evidence, Co. l. 4. f. 25. This tenure is called a base tenure, because it hol-

uiuing disseisor que fuit party al torr, mes cybien le heire come le disseisor serra oulement charge. Mes autrement est en personall lien, come si deux sont lie en vn obligac', la le charge suruiuera.

Et en cesx cases où est dit, Que lun purchaser auera contribution, nest p ceo entend, que les auters doneront ou allowront a luy ascun chose per voy de Contribution, mes doyt estre entende, que le partie q est sole-ment extend par iour, poert per Audita querela ou Scire facias, come le case require, defeat l'execution, & per ceo serra restore a tous le mesme profits, & chasser le Conuisee de suer execution de tout le fre, issint en cest manner chescun serra contributoe, cestascavoire, le terre de chescun terre-tenant serra oulement extend.

Copyhold.

Copyhold est vn Tenur par que le Tenant ad riens a monstrier forsque les Copies des Rolles fait p le Seneschal del Court sō Seignior: car le Seneschal come il enrolle & fait Memorandums de tous auters choses en faits & le Court le Seignior, issint il auxy, fait de tiels tenans que sōp admitte en le Court a ascun parcel de terre ou tenements appartenant al mannour, & le transcript de ceo est appell' court rolle, le copie de q le Tenant prist de luy, & detiens cōe son sole evidence, Co. lib. 4. fo. 25. Cest require est appel Base tenure, pur ceo q

The Exposition of

tient al volunt le Seignior : *Kitchen fo. 82. F. N. B. fol. 12. b. c.* que la dit, que fuit accustomé deſtre appel Tenure en Villenage, & que ceſt copyhold neſt forſq; vn nouel noſme : Vncore neſt mecrement al volunt le Seignior, mes accordant al cuſtome del Mannour, iſſint q̄ ſi vn Copyholder ne pas enfreint le cuſtome del manor, & p̄r c' forfeit ſon tenure, ne ſemble tant deſtroier al valunt ſon Seignior pur ſon droit, come deſſ' diſſieu quant a luy p̄leiſt. Les cuſtomes de manors ſont infinite, variant en vn poynt ou auter ſer' en cheſc' ſeueral manor.

Primémēt aſcun copyhold eſt fineable, & aſſi certaine : ceo q̄ eſt fineable le Seignior aſſeſſe a quel fine q̄ il voyle quauant le tenaut eſt a ceo admit; ceo q̄ eſt certain eſt vn ſort d' enheritance, & appel é pluſors lieux, cuſtomary, pur ceo q̄ le Teñt morat, & le tenure eſteant void, le p̄cheine du ſangue payat l' cuſtomarie Fine ne poit eſtre denie deſtre admit.

Secondémēt, aſcun Copiholders ont per cuſtome le boys ereſcant ſur leur t̄re demefne, quel p̄ le ley ils ne poyent auer.

Tierceſmēt, la ſor copiholders que tient per l' Verge en anciēt demefne, & n̄ont obſtant ils tient p̄ Copy, vncore ils ſont en nature de Franktenants; car ſi tiel hōc fait felony, l' Roy ad an, icur, & vaſt, cōc en caſe d' franktenant. Aſcun auters tient per common tenure appelle mere Copyhold, & ſils commit Felony, lour

deſth at the will of the Lord, Kyt fo 80 F. N. B. fo. 12. b. c. who there ſaith, That it was wont to be called Tenure in Villenage, and that this Copihold is but a new name : Yet it is not ſimply at the will of the Lord, but according to the cuſtome of the manor, ſo that if a Copiholder breake not the Cuſtome of the manor, and thereby forfeit hiſ tenure, hee ſeemeth not ſomuch to ſtand at hiſ Lords curteſſe for hiſ right, as to be diſplaced when he pleaſeth. The Cuſtomes of manors are infinite, varying in one point or other almoſt in euery ſeueral manor.

Fiſt ſome Copihold is fineable, & ſome certaine: that which is fineable, the Lord rather at what fine he pleaſeth, when the tenant is admitted into it: that which is certaine is a kind of inheritance, & called in many places, Cuſtomary, becauſe that at the tenat dying, & the Heir being boyd, the next of blood paying the cuſtomary fine, cannot be denied to be admitted.

Secondly, ſome Copiholders haue by cuſtom the woods growing upon their owne land, which by the law they cannot haue.

3 There are copiholders that hold by the virge in ancient demefne, and although they hold by copy, yet they are in nature of freeholders, for if ſuch a one commit felony, the King hath the peers, day, and waſt, as in caſe of freehold. Some others hold by common tenure called mere copyhold, and if they commit felony, their land

land presently escheateth to the Lord of the Manor.

Walter West, pt. 1. lib. 2. sect. 646. defines a copiholder thus, Tenant by Copie of court roll is he which is admitted tenant of any lands or tenements within a manor, that time without the mortgage of man, by use and custome of the said Manor, haue beene dimissible and demised to such as will take the same in fee, fee tail, for life, yeares, or at will, according to the custome of the said Manor, by Copy of Court Roll of the same Manor.

Conuſance.

Conuſance of plea is a privilege that a Citie or towne hath of the R. grant, to hold plea of all contracts, and of lads within the Precinct of the franchise, & that when any man is impleaded for any such thing in the court of the R. at Westminister, the Mayors or Baylives of such Franchises, or their Attornies may aske conuſance of the plea, that is to say, That the plea & the matter shalbe pleaded & determined before them.

But if the court at Westminister be lawfully seised of the plea, before conuſance be demanded, then they shall not haue conuſance for that suit, because they haue negligently surceased their time of demand thereof, but this shall be no barre to them to haue Conuſance in another action, for they may demand conuſance in one Action, and omit it in another Action at their pleasure.

terre iammes escheata al Sir del Manor.

Monſieur West, part. 1. li. 2. sect. 646. ilſint define vn Copiholder, Tenant per Copie de Court roll est celuy que est admit tenant d'aucun tres ou tenements deins vn Man q temps ouſter le memory du hoſe, p vic & custome del dit Manor ont estre dimissible & demise a tiels q paideront melme en fee, fee taile, pur vic, ans, ou a volunt, accordant al custome del dit manor, per copy de Court roll, de melme le Manor.

Conuſance.

Conuſance de plea est vn privilege que vn Citie ou Ville ad del grant le Roy, de tener ples de tous Contracts, & des terres deins le precinct del Franchise, & qnt aucun hoſe est impleade pur aucun tiel chose en le Court le Roy al Westminister, les Mayors ou Baylives de tiels Franchises, ou leur Attornies poyent demander conuſance del plea, cest a ſcauoir, que le Plea & le matſerra pleade & determin deuant eux.

Mes si le Court al Westminster soit loyallmt seise del Plea, deuant que Conuſance soit demand, donques ils neaueront conuſance pur cest suit, s ceo q ils quant negligentment surcease leur temps de demander ceo, mes cest ne serra barre al eux d'auer Conuſance en autre action, car ils poyent demad Conuſance en vn Action, & omit ceo en vn autre action a leur pleasure.

The Exposition of

Et nota, que Conuſance ne giſt en preſcription, mes ils couient monſtre Letters Patents le Roy pur ceo.

And note, that conuſance lieth not in preſcription, but it behooueth to ſhew the Kings Letters patents for it.

Coraaage.

Coraaage eſt vn impoſition niēt ordinarie & foundue ſur aſcū nient vſual choſe, & ſemble deſtre de certaine meſures de Graine: *Bracton Lib. 2. cap. 16. num. 6.* vſe ceux parols, *Corus critici deſtre vn meſure de Graine: & en meſme le Capiter, Numero 8.* ad ceux parols, *Sunt enim quedam communes preſtationes, que ſeruitia non dicuntur, nec de conſuetudine veniunt, niſi cum neceſſitas interuenerit, vel cum Rex venerit, ſicut ſunt Hidagia, Coraagia, & Caruagia, & alia plura de neceſſitate, & ex conſenſu communi totius regni introducta, & que ad dominum ſendi non pertinent, & de quibus nullus tenetur tenentem ſuum acquietare, niſi ſe ad hoc ſpecialiter obligauerit in Charta ſua.*

Coraaage.

Coraaage is an impoſition extraordinary, and growing vpon ſome vſualloccaſion, & it ſeemeth to be of certaine meſures of Cozne: *Bract. li. 2. ca. 16. nu. 6.* bleth theſe words, *Corus critici* to be a meſure of Cozne, and in the Chapter, *Numero 8.* hath theſe words, *There are certaine cōmon Preſtations, which are not called Seruices, neither doe they ariſe from Cuſtome, vnleſſe ſome neceſſary occaſion happen, or that the King cōmineth, ſuch as are Hidage; Coraage, and Caruage, and many others which are performed in caſes of neceſſitie, by the cōmon conſent of the whole Kingdome, and which appertaine not to the Lord of the ſee, neither is he bound to acquite his tenant thereof, vnleſſe he hath ſpecially tyed himſelfe thereunto by his owne Deed.*

Cordwayner.

Cordiner vel Cordwayner veniſt del Frācois *Corduannier*, id eſt, *Sutor calcearius a corii genere quod Cordouan apud Gallos nominatur.* Et eſt vn paroll miſt vſe en nre ſtatute ley, come en 3. H. 8. cap. 10. & 1. H. 8. cap. 7. & 1. ſac. cap. 22.

Cordwayner.

Cordiner or Cordwayner comes from the french *corduannier*, that is, a ſhoemaker from a kind of leather which the french men call *Cordouan*. And it is word much bleſd in our Statute law, as in the Stat. of 3. H. 8. cap. 10. 5. H. 8. cap. 7. & 1. ſac. cap. 22.

Cornage.

Cornage is a kinde of grand Sericantie, the seruice of which tenure is, to blowe an horn when any inuasion of the Northerne enemy is perceiued. And by this many Northward hold their land, about the wall commonly called the Picts wall, Camb. Brit. p. 609.

See Littleton fol. 35. where he saith, That in the Marches of Scotland some hold of the King by Cornage, that is to say, for blowing a horne to marke the Countrey when they heare that the enemies will come, or will enter into England, which seruice is Graund Sericantie.

Corodie.

Corodie, is an allowance of meat, bread, drink, money, cloathing, lodging, and such like things necessarie for sustenance: It is sometimes certaine, where the certaintie of things is set downe, sometimes vncertaine, where the certaintie of things is not set downe which he shall haue.

And some of them began by grant made by one man to another, and it may be for life, years, in tale, or in fee, and some Corodies are of common right, as the very founder of Abbeyes, Priories, Almoneries, & other houses of Religion had authoritie to assigne such in the same house, whē they were standing, for father, Brother, Cousin, or other man

Cornage.

Cornage, est vn sorte de graude Sergeantie, le seruice de quel Tenure est de ventier vn cornu quauant asecun inuasion des ennemis del pais artique est descric: Et p ceo plusieurs hōes tiendront leur tre & les ptes septentrionale euirō le parier cōmuneēt appel l' piet des Picts, Cam. Brit. p. 609.

Vies Littleton fol. 35. Oudit, Que en le Marches de Escocq aucuns reingnount del Roy per Cornag, cest assauoir, p ventier vn Cornu, pur garner homes de pais, quant ilsoyent, que ennemis veignont ou voilont enter en Engleterre, quel seruice est Graund Sericantie.

Corodie.

Corodie est vn allowance de meat, pane, boyer, argent, yestments, lodging, & tiels choses necessarie pur sustenance: ceo ascun foits est certaine ou le certainty des choses est limit, ascun foits vncertain, lou nest limit le certaintie que il auer.

Et ascun de eux cōmence per Graunt fait per ascun hōe al auter, & poēt estre pur vie, ans, en rayle, ou fee, & ascun corodies, sont de common droit, sicomme chesc' Fōunder de Abbeyes, Priories, Nunneries, & aufsmesl's de Religio Papistick, auoyēt authoritie d'assigner tiel en m les measl's quāt ils fuerōt, pur son Pere, Frere, Cousin, ou auf hōe

The Exposition of

que il voit, que prendroit ceo, fil fuit vn meason de Moignes : Et si il soit Founder del meason de Nunnes, ou muliers, de qu'es ceo par la Mere, Soer, Coussin, ou autre mulier que il voile direct al ceo, & tous iours cest prouiso fuit ewe, q'il ad Corodie en vn meason de Moignes ne duist mitter vn feme de pnder ceo : Ne ou Corodie fuit due en vn Nunnerie, la il ne fuit loyale appofter vn home de receiuer ceo, car en ambideux cases quel presentation fuit destte relect. Et cest Corodie fuit due cybic a vn comon pson q fuit Founder, sicome ou le Roy mesme fuit Founder : Mes ou le meason fuit it tenu en Frankalmoigne, la le Tenure mesme fuit vn discharge de Corodie enconter tous hoies, sinon que il fuit apres charge voluntarint, cõe ou le Roy voit mitter son Briefe al Abbe pur vn Corody, pur vn tiel, le que ils admir, la le meason doit este charge per ceo a tous iours, file Roy soit founder ou nemy. Veies Briefe de *Corodio habend in Firz. Natura Breuium*, fol 230.

Coroner.

CORONER est vn ancient Officer de trust, & de graud authorite, ordeine destte vn principall Conseruator, ou Gardian de le Peace, a porter record des Plees del Corone, & del son view demesne, & de diuers aues choses mult en number, &c. Et pur ceo

that he would appoynt should take it, if it were a house of Monks : And if he were founder of a house of Nunnes, or women, then for his Mother, Sister, Cousin, or other woman that he would direct thither : and alwayes this was prouided for, That he that had a Corodie in a house of Monks, might for send a woman to take it : For where Corodie was due in a Nunnerie, there it was not lawfull to appoint a man to receiue the same, for in both cases such presentation was to be relected. And this Corodie was due as well to a common person that was Founder, as where the King himselfe was founder : But where the house was holden in Frankalmoign, there the Tenure it selfe was a discharge of Corodie against all men, except it were afterward charged voluntarily, as when the King would send his writ to the Abbot for a Corodie, for such a one, whom they admit, that the house should be thereby charged for ever, whether the King were founder or not. See the writ of Corodio habendo in Firz. Nat. Br. fol. 230.

Coroner.

CORONER is an ancient Officer of trust, and of great authority, ordained to be a principall Conseruator or keeper of the Peace, to beare record of the Plees of the Crowne, and of his owne sight, and of diuers other things, many in number, &c. And therefore in the

tent que le Ville ou l'enterrement
 fust fait, sera amercie pur ceo
 deuant les Iustices en Eyre, sur
 le viewe des Rolles del Coroner.
 Et nicht meins le Coroner doit
 defouer le corps hors del terre,
 & prendre l'enquirie sur viewe
 del corps, come il seroit sil na-
 uoit este enterre : & la Ville sera
 auxy amerce, s'il ne luy enter-
 ront, eins suffront luy giser sur
 la terre a putrefaction ou grand
 ordeur, sans mander al Coroner.
 Et si le Coroner soit remisse &
 negligent en venir a faire son
 Office, apres que les Baylifes ou
 homes de pais ont mande pur
 luy, il sera punie. Coment
 per le Ley que Coroner ne
 puit enquirer dascun felonie,
 forsque de mort de home, ta-
 men ad este dit, que en Nor-
 thumberland ils enqueront
 de tous Felonies : Mes sel
 authoritie ils maintiennent per
 prescription. Si home soit oc-
 cise ou merge en les braches ou
 saules del Mere, lou home poit
 veier terre d'un part & d'auter,
 le Coroner inquirera de ceo,
 & nemy l'admiral, pur ce que
 le pais poit bien de ceo auer
 conifiance.

Mes le Coroner del Hostel le
 roy ad vn exépt iurisdiction deins
 le Vierge, & le Coroner del Coun-
 tie ne poit entremedde deins ceo,
 scéce le Coroner del hostel ne
 poit entremedde deins le Coun-
 tie hors del Vierge.

Si le demandant ou plaintife
 soit non suite, ou si iudgement
 soit done vers le tenant ou de-

tent that the Colone where the
 burying was, should be amerced
 for it before the Justices in Eyre,
 vpon the sight of the Coroners
 Rolles. And neuerthelesse the
 Coroner ought to vndigge the
 body out of the ground, and take
 the enquirie vpon the victm of the
 body, as hee should doe if it had
 not been buried : and the Colone
 shall also be amerced, if they doe
 not burie it, but suffer it to lie on
 the ground to putrifie or stinke,
 without sending to the Coroner.
 And if the Coroner be remisse &
 negligent in comming to doe his
 office, after that the bailifes or
 Countrey men haue sent for him,
 he shall be punished. Although by
 the Law the Coroner cannot en-
 quire of any felony, but the death
 of a man, yet it hath beene sayd,
 that in Northumberland they en-
 quire of all felonies : but this au-
 thority they maintaine by pre-
 scription. If a man be killed or
 drowned in the armes or creekes
 of the Sea, where a man may see
 Land from the one part to the o-
 ther, the Coroner shall enquire
 thereof, and not the Admirall, for
 that the Countrey thereof may
 well haue knowledge.

But the Coroner of the Kings
 house hath an exempt iurisdiction
 within the verge, & the Coroner
 of the Countie cannot entremedde
 within it, as the Coroner of the
 house cannot intermedde within
 the Countie out of the Vierge.

If the demandant or plaintife
 be non suite, or if iudgement be
 giuen against the tenant or de-

tendant of such like, the Justices neuer assesse any amerciamento but the Clerke of the warrans maketh estreats thereof, and deliuer them to the Clerkes of Assise within every circuit, to deliuer them to the Coroners in every countie to asseste or assesse the amerciaments, because they are thought most indifferent, forasmuch as they are chosen by the whole Countie.

If an approuer saith that he began his appeale before the Coroner by writte, this shalbe tried by the Coroner, and if the Coroner denieth it, the approuer shall be hanged. By which cases it appeareth, That the Law giueth much credit and authoritie to Coroners.

Corporation.

Corporation is a permanent thing that may haue succession: And it is an assembly & ioyning together of many into one fellowship, brotherhood, and minde, whereof one is head and chiefe, the rest are the body, and this head and body knite together, make the Corporation. And of Corporations, some are called Spiritual, and some Temporal, and of those that are Spirituall, some are Corporations of dead persons in Law, and some otherwise, and some are by the authoritie of the King only, and some haue beegne of a mixt authoritie.

And of those that are temporall some are by the authoritie of the

tendaunt ou semblables, les Justices ne vnques assesseront ascū amerciamento, mes le Clerkes des garrants, fait estreats de eux, & deliuer cux aux Clerkes d'assise deins chescun circuit a deliuer eux al Coroners en chescū cōtē d'assesser ou assesser l'amerciaments, pur ceo que ils sont pense plus indifferent, entant que ils sont elect per tout le Countie.

Si vn approuer dit que il commence son appeal devant le Coroner per dures, ceo, serra trie per le Coroner, & s'il Coroner ceo denie, l'approuer serra pendus. Per queux cases il appiert, Que le Ley done grand credance & authoritie al Coroners.

Corporation.

Corporation est vn chose permanent que post auera succession: Et est vn assembly & ioyning ensemble de diuers en vn fellowship, fraternitie, & ment, de que vn est le teste & principal, les auters sōt le corps, & cest teste & corps joyn ensemble sont le Corporation. Et de Corporations, ascūns sont appelles spirituals, & ascūns tēporals, & de ceux que sont spirituals ascūns fueront Corporations de mort pions en Ley, & ascūns autrement, & ascūns sont p authoritie del Roy solement ascūns ont estre d'un mixt authoritie.

Et de ceux queux sont tēporal, ascūns sont p authoritie de

Roy aussy, & aucuns per le
Common Ley del Roialme.

Corporation Spiritual, & de
most persons en le ley, est lou
le Corporation consist d'un Ab-
be & Couent, & ceux ont leur
commencement del Roy, & le
homs a Rome quant il y ad a
faire cy.

Corporation Spiritual & del
able persons en le ley, est lou le
Corporation consist d'un Deane
& Chapell, Master del Colledge
ou Hospitall, & cest Corporation
ad commencement de Roy sole-
ment.

Corporation Temporal per
le Roy est un Maior & Commu-
nalty.

Corporation Temporal par au-
thoritie del Common Ley, est
le assembly en Parliament, le
quel consist del Roy, le reste del
Corporation, & des Seignours
Spirituals & Temporals, & les
Commons del Roialme, le corps
del Corporation.

Corps politique.

Corps politique sont Euesques,
Abbes, Priors, Deanes, Par-
sons d'un Eglise, & tiels sem-
blables, queux ont succession
en un person solement.

Si terre soit done al Maior &
Communitie par leur vies, ils
ont estate per entendement n'est
determinable, assint est si feoffe-
ment soit faide Terre al Deane
& Chapter, sans parlance de
successeurs. Releafe d'un Mai-
or par aucun somme d'argent

King also, and come by the com-
mon Law of the Realme.

Corporation Spiritual, and
of dead persons in the law, is
where the Corporation consisteth
of an Abbot and Couent, & these
had beginning of the King, and
the man of Rome when he had to
doe here.

Corporation Spiritual, and of
able persons in law, is where the
Corporation consisteth of a
Deane and Chapter, Master of
a Colledge or Hospitall, and this
Corporation had beginning of
the King onely.

Corporation Temporal by the
King, is where there is a Maior
and Communitie.

Corporation Temporal by
authoritie of the Common Law,
is the assemblee in Parliament,
which consisteth of the King the
head of the Corporation, & of the
Lords Spiritual and Temp-
rall, and the Commons of the
Realme, the body of the Corpo-
ration.

Bodies politique.

Bodies politique are Bishops,
Abbots, Priors, Deanes,
Parsons of Churches, and such
like, which haue succession in one
person onely.

If Land be given to a Maior
and Communitie for their liues,
they haue an estate by intendment
not determinable. So it is if a
feoffment be made of Land to a
Deane and Chapter, without
speaking of successors, Releafe of
a Maior for any summe of money
due

due to the corporation in his own name, is not good in Law. In case of a sole Corporation, as Body Politique, as Bishop, Parson, Vicar, Master of hospital, &c. no Chattell either in action or possession shall goe in succession, but the executors or administrators of the Bishop, Parson, &c. shall have then no more thē the heire of a priuat man can haue them, for succession in a Body politique is as inheritance in case of a Body priuate. But otherwise it is in case of a Corporation composed of many, as a Deane & Chapter, Maier & Communitie, and such like, for there they in iudgement of the Law reuer dye. Yet the case of the Chamberlaine of London differeth from all these, and his successor may in his owne name haue execution of a Recognisance acknowledged to his predecessor for Orphanage money, and the reason is, because that in this case, the corporation of the Chamberlaine is by Custome, and the same Custome that hath created him and made a Corporation in succession, as to the said speciall purpose concerning Orphanage, the same Custome hath enabled the successor to take such Recognisances, Obligations, &c. that are made to his predecessor. And this Custome is founded vpon great reason, for the executors or administrators of the Chamberlaine ought not to intermeddle with such Recognisances, Obligations, &c. which by the said Custome

due al Corporation en sō noīme demesne, nest bone en Ley. En case d'un sole Corporation, ou corps politique, come Euesque, Parson, Vicar, Master de Hospital, &c. nul Chartel ou en action ou en possession alera en succession, mes les executors ou administrators del Euesque, Parson, &c. eux n'ia nient plus que le hīe d'un priuat home poit eūx auer, car succession en corps politique, est enheritance en case d'un Corps priuate. Mes autrement est en case d'un Corporation aggregate de plusieurs, come Deane & Chapter, Maier & Communitie & semblables, car la ils en iudgement del Ley ne vnques deuient. Vncore le case del Chamberlaine de Londres differt de tous ceux, & son succesor poit en sō noīme demesne auer execution d'un Recognisance comist a son predecesor pur Orphanage mony, & le reason est, pur ceo q'en cest case le Corporation del Chamberlaine est p custome, & mesme le custome q'ad luy create & fait vn corporation en succession, quant al dit special purpose concernant Orphanage, mesme le Custome ad enable le succesor a prendre tiels Recognisances, Obligations, &c. que sont faites a sō predecesor. Et tiel Custome est soundue sur grand reason, car les executors ou administrators del Chamberlaine ne doient enhermodde oue tiels Recognisances, Obligations, &c. queux per le dit Custome

The Exposition of

Some sont prise en le corporate capacitee del Chamberlaine, & nemy en son priuate. Mes Euesque, Parson, &c. ou ascun sole Corporation q̄ sont Corps politique p̄ prescription, ne poient s̄nder Recognisance ou Obligatiō, mes solent a leur priuate, & nemy en leur politique capacity, car la fault custome a s̄nder chattel en leur politique ou corporate capacitee.

Corruption de sanke.

Corruption de sanke est quant ascun est atteint de Felonie ou Treason, donques son sanke est dit destre corrupt, per reason de quel, ses enfans, ne ascun de son sanke ne poyent estre heires a luy, ne al ascun aurer auctor, pur ceo que ils doyent claime per luy. Et sil fuit Noble ou Gentle home deuant, il & tous ses enfans per ceo s̄t faits ignoble & vngentle, ayant regard al nobilitie ou Gentry ils claime per leur pier, que ne poit estre fait sanc arere per Graunt le Roy, sans authoritee de Parliament.

Mes sile Roy voile pardon le offendour, il voile purger le corruption del sank des tiels Issues, queux sont nee puis le pardon, & ils poyent inherite le Terre de leur ancestor, purchase al temps del pardon, ou apres, mes issint ne poyent ils queux fueront nee deuant le pardon. Auxy il que est atteint de Treason, ou Felonie, ne serra heire a son pier; Mes cest dis-

Some are taken in the corporate capacitee of the Chamberlaine, & not in his priuate. But a Bishop, Parson, &c. or any sole corporation that are bodies politick by prescription, cannot take a Recognisance or Obligation but only to their priuate, & not in their politick capacitee, for they want Custome to take a Chattell in their politicke or corporate capacitee.

Corruption of bloud.

Corruption of bloud is when any is attainted of felony or Treason, then his bloud is said to be corrupt, by meanes whereof his children, nor any of his Bloud, cannot be heires to him, or to any other Ancestour for which they ought to claime by him. And if he were a Noble or Gentleman before, he and all his children are made thereby vngentle and vngentle, having regard to the nobility or Gentry they claime by their father, which cannot be made whole againe by the Kings Grant, without authority of Parliament.

But if the King will pardon the offender, it will cleanse the corruption of the bloud of those children, which be borne after the Pardon, and they may inherite the Land of their Ancestour, purchased at the time of the Pardon, or afterwards, but so cannot they which were borne before the Pardon. Also he that is attainted of treason or felony shall not be heire to his father; but his dis-

abilitie shall hinder others to bee heire, so that during his life the land shall rather escheat to the Lord of the Fee, than descend to another.

But if he which is attainted dyeth without Issue of his body, during the life of his ancestor, the his younger Brother, Sister, or Cosine, shall inherit: for if the eldest son be hanged, or abiure the realme for felony during the life of the father, it is no impediment but that the youngest son may inherit, 27. Ed. 3. 77 and if he which is attainted of treason or felony in the life of his Ancestor, purchase the Kings pardon before the death of his ancestor, yet he shall not be heire to the said ancestor, but the land shall rather escheat to the Lord of the fee by the corruption of the blood, 26. Ab. pl. 1. But if the eldest son be a clerk committed in the life of his father, and after his father dieth, in this case he shall inherit his fathers land, because hee was not attainted of felony, for by the Common Law hee should inherit after hee had made his purgation. And now by the stat. of 18. El. c. 6. hee shall be forthwith enlarged after burning in the hand and deliuered out of prison, and not committed to the ordinary to make his purgation, but hee is in the same case as if he had made his purgation.

If a man that hath land in right of his wife, hath issue, and his blood is corrupted by attainder of felony, & the King pardons him, in this case if the wife dyeth be-

abilitie estoppera auters destre son heire, issint que durant son vie le Terre potius escheatera al Seignior del Fee; que descend al auter.

Mes si il q est attrainte, mortist sans issue de son corps, durant le vie son Ancestour, donque s il puisne Frere, Soer, ou Cosine inheritera: Car si leigne fits soit pendus, ou abiure le Terre, pur Felonie, durant le vie le Pere, il nest impediment mes que le puisne fits pui inheriter, 27. Ed. 3. 77. Et si q est attraint de Treason ou Felonie, en le vie de son ancestor, purchase le pardon le Roy deuant le mort son Ancestour, vncore il ne serra heire al dit Ancestour, mes le Terre potius escheatera al Seignior del Fee, per le corruption del sanke, 26. Ass. placit. 2. Mes si leigne fits son Clerke conuict en le vie son Piere, & puis son Piere morust, en cest case il inheritera la terre son Pere, si ceo que il ne fuit attraint de Felonie, car p le Commonley il ferroit inherite puis q il ad fait son purgation. Et iammes per le stat. de 18. Eliz. cap. 6. il serra subit enlarge puis le arser en le maine, & deliuer hors de prison, & nient comit al Ordinary a faire son purgation, mes il en m pite come il ad fait son purgation.

Si home que ad terre en droit sa feme, ad issue, & son sang est corupt per attainder de Felony, & le Roy luy pardon, en cest case si la feme mortist deuant luy,

The Exposition of

luy, il ne serra Tenant per le curtesie, pur le corruption del sank de cel issue. Mes autrement est sil ad issue puis le pardon, car donque il serra tenant per le curtesie, niér obstat q̄ le issue que il auoit deuant le pardon ne soit enheritable, 13. H. 7. 17.

Si home seisie de Terre ad issue deux firs, & leygne est attainnt en le vie son pere de Felonie, & pur ceo execute, ou autrement morust durant le vie de son pere, & puis le pere morust seisie del Terre, le terre descendra al puisne firs, come heire a son pere, si leigne firs nad issue donques en vie. Mes si le eigne firs que fuit attainnt ad ascū issue en vie, que inheritera mes pur le attainder, le Terre escheatēra al Seignieur, & ne descendra al puisne frere, pur ceo que le sank del eigne frere est corrupt, 32. Hen. 8. Dy. 48.

Mes est desre obserue, Que la soit ascuns choses fait Treasort per Act de Parlement, de queux cōm̄t q̄ home soit attainnt, vncore son sank n'est corrupt, & il forfeitera riens fors; ceo que il ad pur s̄ vie demesne. Come si home soit attainnt sur le stat. de 5. Eliz. cap. 1. ordeigne euers le maintenance del auctorite del Euesq; & See de Rōe, ceo ne extendra a faire ascun corruption de sank, le disheritance ascun heire, forfeiture ascun Dower, ne al preiudice del droit ou eile ascun person, surer que le offender ou offendours

forz him, hee shall not be tenant by the curtesie, for the corruption of the blood of that issue. But it is otherwise if hee hath Issue after the pardon, for then hee shall be tenant by the curtesie, although the issue which he had before the pardon be not inheritable, 13 H. 7. 17.

If a man seised of Land hath issue two s̄s, & the eldest is attained in the life of his father of Felony, and therefore executed, or otherwise dyeth during the life of his father, & after the father dyeth seised of the land, the land shall descend to the youngest sounne, as heire unto his father, if the eldest son hath no issue then aliue. But if the eldest son which was attained hath any Issue aliue, which should haue inherited but for the attainder, the land shall escheat to the Lord, & shall not descend to the youngest brother, because that the blood of the eldest brother is corrupt, 32. H. 8. Dy. 48.

But it is to be noted, that there are diuers things made treasort by Act of Parliament, wherof although that a man be attained, yet his blood is not corrupt, neither shall he forfeit any thing but that which he hath for his owne life: as if a man be attained upon the Statute of 5. Eliz. ca. 1. ordained against the maintaining of the auctority of the Bishop & See of Rome, this shall not extend to make any corruption of blood, the disheritance of any heire, forfeiture of any dower, nor to the preiudice of the right or Title of any person, other than the offender or offenders.

does butting his or their naturall liues onely.

So if a man be attained by force of the Stat. of 5. Elizab. cap. 11. provided against the clipping, washing, fyleing, and rounding of money, yet there is no corruption of blood. In the same manner is it of the statute of 18. Eliz. cap. 1. 1. Jac. ca. 12. 1. Mar. cap. 12. against vniuall assemblies: and 5. Eliz. cap. 14. against the forging of evidence: and the statute of 31. Eliz. cap. 4. against the embezzling of the Queenes Ordnance, armoz or Artillerie.

Corse present.

Corse present are words signifying a Mortuary, & the reason why the Mortuarie is so termed, seemeth to be because that where a Mortuary was wont to be due, the body of the best beast was according to the Law or Custome, offered or presented to the Priest. See Anno 21. H. 8. c. 6. where among other things it is enacted, that no Corse present, nor any sum or summes of money, or other thing, for any Mortuary or Corse present shall be demanded, taken, receiued, or had, but only in such places and towtines where Mortuaries haue beene accustomed to be taken and payd.

Cosnage.

Cosnage is a writ, and it lieth where my great grandfather, my Grand father, or grand father,

durant son ou leur naturall vies solement.

Ilust si home soit attainx per force del Statute de 5. *Elizab.* cap. 11. prouide encounter le clipping, washing, fyleing, & rounding d'argent, vncore la nest asc' corruption de sang. En mesme le manner est del Stat. de 18. *Elizab.* ca. 1. 1. *Jacobi*, ca. 12. 1. *Mar.* cap. 12. encounter illoyal assēblies: & 5. *Eliz.* ca. 14. encounter le forger de faits: Et le Stat. de 31. *Eliz.* cap. 4. encounter le embeazzilling L'ordināce, Armour, & Artillerie le Roigne.

Corse present.

Corse present sont parols signifiant vn Mortuarie, & le reason pur q' le Mortuarie est ainsi apel, semble estre pur ceo, q' ou vn Mortuarie soloit estre due, le corps del mieu x des auers, s'ist solong; le Ley ou Custōe, offer ou present al Priestre. Vins *An.* 21. *H. 8.* ca. 6. ou enter aux choses est enact, Que nul Mortuary ne corse present, ne aucun sum ou summes d'argent, ou autre chose pur aucun Mortuarie ou corse present, serra demand, prise, receiue, ou ad, mes solement en tiels lieux & Villages ou Mortuaries ont estre accustome estre prise & pay.

Cosnage.

Cosnage est vn Brieve, & gist lou mon Beufel, mon Trefayel, ou autre Cosne deule

The Exposition of

deuie seife en Fee simple, & vn estraüger abata, cest adire, enter en les Terres, donques ieo aüa vers luy cest brieve, ou enuers s^{on} heire ou son Alienee, ou enuers q^uicunque que auceign' apres a les dits Terres. Mes si mon Ayel deuie seife, & vn Estranger abate, donques ieo auera vn Brieve de Ayel. Mes si mon pier, m^{er}, Frere, Soer, Vncle, ou Aunt, deuie seife, & vn estraüger abata, donques ieo auera vn Assise de Mortdauncester.

or other co^usin dyeth seised in fee simple, and a stranger abateth, viz: entrech into the lands, then I shall haue against him this writ, or against his heirs, or his alienee, or against whomsoever that cometh after to the said lands. But if my grandfather die seised and a stranger abateth, then I shall haue a writ of Ayel. But if my father, mother, brother, sister, uncle, or aunt, dye seised, & a stranger abateth, then I shall haue an Assise of Mortdancester.

Cottage.

Cottage (*cotagiū*) est vn petite maison pur le habitation des pouers homes, sans aucun terre a ceo appartenant dont mention est fait en le primer stat. fait 4. E. 1. Et le inhabitant en tiel maison est appelle vn Cottager. Mes p^{ar} vn stat. fait en 31. le Roigne Eliz. cap. 7. Nul h^om^e poit ore edifier tiel cottage pur habitation, sinon q^u il fait giser a ceo quater acres de terre, de frankenement except en Cities, & Market Boroughs, ou deins vn mille del mere ou pur le habitatio des labourers en Mines, Saylers, Foresters, Pastors &c.

Cottage.

Cottage is a little house for habitation of poore men, without any l^{and} belonging vnto it, whereof mention is made in the first statute made in 4. E. 1. And the inhabitant of such a house is called a Cottager: But by a Statute made in the 31. yeare of Quene Eliz. cap. 7. no man may at this day build such a Cottage for habitation, vntlesse he lay vnto it foure acres of freehold l^{and}, except in Market townes, or Cities, or within a mile of the sea, or for habitation of labourers in Mines, Saylers, foresters, Shepherds &c.

Couenant.

Couenant est vn Agreement fait p^{ar} Fair en escript, & en seale par entre deux persons, l^{esquels} chescun de eux est tenu a l'auer de performer certeyne Co-

Couenant.

Couenant is an Agreement made by Deed in writing, and sealed between two persons, where every of them is bounden to the other to performe certaine covenants

nants for his part, and if the one of them helpeth not his covenant but breaketh it, then hee which thereof feelerh himselfe grieved, shall haue thereupon a writ of covenant.

And Covenants are either in Law or in fact, Coke lib. 4. fol. 80. or Covenant expressed, or Covenant in Law, Coke lib. 6. fol. 17. A Covenant in Law is that which the Law intendeth to be done, although it bee not expressed in words: as if a man demise any thing to another, for a certaine terme, the Law intendeth a Covenant of the part of the Lessor, that the Lessee shall hold all his terme against all lawfull intumbrances: Covenant in fact is that which is expressly agreed betweene the parties.

And there is a Covenant merely personall, and a Covenant real, Fitzherberts Natura Brevium, fol. 145. and he seemeth to say, that Covenant real is wherby a man tyeeth himselfe to passe a thing real, as Lands or Tenements, as a Covenant to leuie a fine of land: Covenant merely personall on the other side, is wherby a man covenanteth with another by deed, to build a house, or to serue him: See the old Booke of Entries, the word Covenant.

But note well, That no writ of Covenant shall be maintainable without specialty, but in the City of London, or in some other place privileged by custome and use.

uenants pur son part, si lun de eux ne tient passé son Couenât, mes enfreint ceo, donques celui que se sens de ceo grieve, auera crit vn Brieſe de Couenât.

Et Couenants sont ou en Ley ou en Fait, Coke Liber. 4. fol. 80. ou Couenant expresse, & Couenant en Ley, Coke Lib. 6. fol. 17. Vn Couenant en Ley est ceo q. le Ley entend deſtre fait nient contriſteât que en parols ne ſoit expresse: Come si home demise vn chose al autre, pur vn certaine terme, le Ley entente vn Couenant del partie Lessor, que le Lessee tiendra tout son terme encont. tout loyal encumbrances. Couenant en fait est ceo que expressement est agreee par les parties.

Auxy la est Couenant mecrement personall, & Couenant real, Fitz. Natura Brevium. fo. 145. & il semble adire, Que Couenant real est per que hœe luy oblige de passer vn chose Real, cœe Terres ou Tenements, sicome Couenant d'leuier vn fine de Terre: Couenant mecrement personall en conuerso, est où home couenant que aut per fait, de edefier vn maison, ou de seruer luy. Velez le reuel lieure de Entries, verbo Couenant.

Mes nota bien, que nul Brieſe de Couenant ſerra maintainable sans especialty, si on en le Ciry de Londres, ou en aucun autre tel lieu, prauilege per custome & vs.

The Exposition of

Couverture.

Couverture est quant vn home & vn feme sont espouse ensemble, ore aucun chose que est fait concernont la feme en le tēps de le continuance de cest mariage perenter eux est dit destre fait durant le couverture, & le feme espouse est appel vn Feme Couvert, & p ceo disable de contracter oue aucun al preiudice de sa mesme ou sa Baron, sans son consente ou priuie, al meins s'z son allowance ou confirmation. *Vies Brooke* cest Title. Et *Bracton* dit, Que tous choses q sont la Femmes, sont le Barons, nec ad la feme poyar de sa mesme, mes le Baron, *Lib. 2. cap. 15.* & que le Baron est le teste sa feme, *Lib. 4. cap. 24.* & adre, que en aucun chose legal el ne poit responder sans sa Baron, *Lib. 5. Tract. 1. ca. 2.* Et si le Baron alien le terre la feme durant le couverture, el ne poit ceo dedire en le vie sa Baron.

Coin.

Coin est vn secret assent determine E les causes de deux ou plusors, al preiudice d'un autre: Cointenans pur terme de vie, ou tenant en le taile secretment conspire oue vn autre, que l'auter recouera vers le tonaunt pur vie le terre que il tient, &c. en preiudice de celuy en le recouision.

Couerture.

Couerture is when a man and a woman are married together, now whatsoeuer is done concerning the wife in the time of the continuance of this marriage betwene them, is said to be done during the Couerture, and the wife is called a woman court, and thereby is disabled to contract with any one, to the preiudice of her selfe or of her husband, without his consent and priuie, at the least without his allowance and confirmation. *See Brooke this title.* And *Bract.* saith, that all things that are the wives, are the husbands, neither hath the wife power of her selfe, but the husband, *lib. 2. cap. 15.* and the husband is the head of his wife, *lib. 4. c. 24.* and againe, that in any law matter she cannot answer without her husband, *lib. 5. tract. 1. cap. 3.* And if the husband alien his wives land during the couerture, she cannot gainsay it during his life.

Coin.

Coin is a secret assent determined in the hearts of two or more, to the preiudice of another: As if a tenants for terme of life, or tenant in taile, shall secretly conspire with another, that the other shall recouer against the tenant for life the land which he holdeth &c. in preiudice of him in the recouision,

Cui in vita.

Cui in vita is a writ, and it lyeth where a man is seised of lands in fee simple, or fee tail, or for terme of life, in the right of his wife, and alieneth the same land, and dyeth, then he shall have the said writ for to recover the land.

And note well that in this writ her title must be shewed whether it bee of the purchase of the woman, or of the heritage of the woman. But if the husband alien the right of his wife, and the husband and the wife dye, the wives heire may have a writ of Sur cui in vita.

Cui ante divortium.

Cui ante divortium is a writ, and it lyeth in like manner, when such alienations made by the husband of the wives land, and after divorce is had betwixt them, then the woman shall have this writ, and the writ shall say, To whom thee before the divorce might not gainsay.

Couns.

Couns is as much as the original declaration in a proces, though more vld in real than personal actions. A declaration is more applyed to personal than real, F.N.B. 16. a. 6. d. n. 71. a. 191. c. 27. 2. And thus the Couns are comprehendeth both. And per couns and declaration be confounde both sometimes, as couns in real,

Cui in vita.

Cui in vita est vn Brieft, & giff l'ou honc est seiscie de terres e fee simple, ou fee taile, ou pur terme de vie, en droit la femme, & aliena mesme le terre, & deuse, douques el auera le dis Brieft pur recouerer la terre.

Et nota bien que en cest Brieft son tisle doit este monstre, si soit de purchase la femme, ou de le heritage la femme. Mes si le Baron alien le droit la femme, & le baron & la femme deuient, le heire le femme auera vn Brieft de Sur cui in vita.

Cui ante divortium.

Cui ante divortium est vn Brieft, & giff en semblable manner, quant tuel alienacion est fait per le baron del terre la femme, & puis deuorez est ou inter eux, doques la femme auera cest Brieft, & le Brieft dira, Cui ipsa ante divortium contradicere non potuit.

Couns.

Couns est as cō l'original declaration e vn proces, vncore plus tost vsu en real que personal actions, come declaration est plus apply al personal que real, F.N.B. 16. a. 6. d. n. 71. a. 191. c. 27. 2. Et bel come les Coullians cōphēd ambideux. Et vncore cōse de declaration sont afeun fois confounde, come couns en dec.

The Exposition of

Kit. 281. Count ou declaration en appeale, Pl. Cor. 78. Count en trās, Brit. cap. 26. Count en action de trās sur le case p' scandal, *Kitch. 252.* *Conceurs* ad este prise p' tiels qu'x h'ie recelue de p'ler pur luy en asc' court, cōe aduocates, & *Pleders* dene vn auter sort, come Attornies pur vn que en present en p'son mes fousse vn, auter a dire pur luy. *Countours* p' M. Horne, sōtiels Sergeants erudite en les leyes del terre que seriont les laye gents de pronouncer & defender lour actions en iudicature pur lour fee.

Countee.

Countee dicitur à comitādo, *quia comitantur Regem*; & ceo fuit le plus eminent & supreme dignité del conquest, ielsque le vnziesme an del Roy Ed. 3. ou le Black Prince fuit create Duke de Cornwall, & ceux q' de anciēt temps fueront create Countees fueront de sanke Royal, & iels q' a cest iour le Roy en tous les appellations stile eux p' le nosme *Charissimū consanguinei nostri*, & pur ceux causes le Ley done a eux haur & grand priuileges, & pur ceo lour corps ne serra arresté pur det, trespass, &c. pur ceo que le Ley entend que ils assistont le Roy oue lour councel pur le weale publique, & gardōt le Royalme en sateie per lour prowess & valour. Aiky put mesme le cause ils ne serra mise en luries cōment que ceo soit pur le service del

Kit. 281. Count or Declaration in appeale, Pl. cor. 78. Count in trespass, Brit. c. 26. Count in action of trespass upon the case for a slander, *Kit 252.* *Conceurs* hath bene taken for such as a man retaineth to speake for him in any court as aduocates, and *Pleders* to be another sort, as attornies for one that is present himselfe, but suffereth another to speake for him. *Countours* by M. Horne, are such Sergeants skilful in the Lawes of the Realme which serue the common people to pronounce and defend their Actions in iudgement for their fee.

Countee.

Countee is called à comitādo, because they accompany the King; and this was the most eminent and high dignity from the conquest, until the 11. yeare of Ed. 3. when the black Prince was created Duke of Cornwall, and those which of ancient time were created Countees were of the bloud Royall, and at this day the King in all his appellations stileth them by the name of Our most deare cosine, and for these causes the Law graunt them high and great priuileges, and therefore their body shall not be arrested for debt, trespass, &c. because that the Law entende that they assist the King with their Council for the publicke good, and keepe the Realme by their promise and valour. Also for the same cause they shall not be put in luries, although that it be for the service of the

the countrey. Also if issue be taken, whether the plaintife or defendant be, a Countee or not, this shall not be tried by the Countrey, but by the Kings Court. Also the defendant shall not have a day of fauour against a Lord of the Parliament, because that he is intended to attend the publike. And of ancient tyme the Countee was, Praefectus, or Praepositus Comitatus, and had the charge and custodie of the Countie: and now the Sheriffe hath all the authoritie for administration and execution of Justice, which the Countee had, Coke lib. 2 fol. 49. and therefore he is called *Aliscount*.

Countenance.

Countenance seemeth to be used for credit or estimation. *1. Old N.B. 111.* in these words: also the attain shall be granted to those men that will take their oaths that they haue not any thing wherof to make their fine, saving their countenance. In the same manner it is used, *1. Ed. 3. Stat. 2. c. 4.* in these words, Sherifes shall charge the Kings debtors with as much as they may leue with their Oathes, without abating the debtors countenance.

Countie.

Countie significeth as much as shire, both containing a countee or portion of the Realme into the which all the land is diuided for the better government

pays. Auxy si issint soit prise, le plaintife ou defendant soit vn Countee ou nemy, ceo ne serra trié par pais mes per. le Briefe le Roy. Auxy le defendant n'aura iour de grace vers le Seignior del Parliament, s' ceo que il est intend d'attender le publique. Et d'ancien temps le Countee fust *Præfectus seu Praepositus Comitatus*, & ad le charge & custodie del Countee. Et ore le Viscont ad poul l'autorite pur administration & execution de Justice que le Countee auoit. *Coke lib. 2. fol. 49.* Et p' c' est appellé Viscount.

Countenance.

Countenance semble destre vse pur credance ou esteime. *Veiel N.B. 111.* in ceux parols: Auxy l'attain serra grantus apouers homes q' prendront leur serement q' ils ont riens de queils poyent de faire leur fine, ouster leur countenance. En mesme le manner est use, *1. Ed. 3. Stat. 2. cap. 4.* en ceux parols, Viscontes chargeront le debtors le Roy ou tant q' ils poyent le vier ouc leur seremens, sans abatement del countenance des debtors.

Countie.

Countie est tant en significac' come shire, ambideux contenant vn circuit ou portion al roialme en q' tout le terre est aporc' p' le meüx gouernance.

de c. & plusieurs autres administrac^{on}
de justice, ainsi que la résidenc^e pe
del royaume que par gift deins
asc^{te} county, & chesc^{un} county est
gouverné p^{ar} un annual officer, le
quel nous appellons Vic^e, que
en aucuns lieux appartenant a
s^{on} office, m^{et} en execut^{on} tous
les mandats & iudgements des
cours. l'Roy queux sont destre
execut^{on} deins cel circuit. Forres.
c. 24. De ceux counties la s^{on}t 4.
plus nobles que aucuns, appel
c^{on}tes palatines, c^{est} le Countie
palatin de Lancast^{re}, de Chester, de
Durham, & de Ely, an. 1. Ed. c. 23.
la suit auxy l'countie palatine de
Hexam, an. 33. H. 8. c. 10 mes de
cequere. Et countie palatine est
iurisdiction de cy et nature, que
ou tous p^{re}s touchant le vie ou
m^{ort} de l'ho^{me}, appel p^{re}s del
Corone, s^{on}t visuellement & ex
ecut^{on} en le nom le Roy, & ne
peut estre fait en le nom d'aucun
autre. Le premier Gardeans de
ceux p^{re}s special Chanc^{er} del roy
en tiemps par devant m^{ort}eront
hors tous Brieves & lournosne
denuesne, & fairo^{nt} tous choses
touchant justice cy absolue
ment come le Roy mesme
en aucuns counties, s^{eu}lement
consul^{ent} luy destre leur su
perieur & Souverain. Mes
per l'estature de 27. H. 8.
cap. 25. cest p^{re}s s^{on}t mult
abridge, le quel veies, & *Cromp.*
Indisf. 137. Outre ceux deux
sortes de Counties, la s^{on}t auxy
Colleges corporats, come appert
per l'estature de 3. Ed. 4. 5.
& ceux sont alius Cites ou

thet^{es}, and more estate adminis
tering of iudice, so that there is
not any part of the kingdom that
lies not within some County, and
every County is governed by an
yearly officer, whom we call the
shire, who amongst other duties
belonging to his office, putteth in
execution all the commandments
and iudgements of the Kings
Courts that are to be executed
within that compass. Forres. c. 24.
Of these counties there are four
more remarkable than others,
called County Palatines, as the
County Palatine of Lancaster,
of Chester, of Durham, and of
Ely, an. 1. Ed. c. 23. there was also
the County Palatine of Beram,
an. 33. H. 8. c. 10. but the of quere.
And a County Palatine is of so
high a nature, that wher^{as} all
pleas touching the life or members
of a man, called pleas of the
Crown, are usually held and
sped in the Kings name, and can
not be passed in the name of any
other: The chiefe Gouvernours
of these by special charter from
the King heretofore did send out
all commissions in their own name, and
did all things touching justice as
absolutely as the Prince himselfe
in other Counties, only acknow
ledging him to be their superior
and Souverain. But by the stat.
of 27. H. 8. c. 25. this power was
much abridged, the which see, and
Cromp. Indisf. 137. Besides these
two sorts of Counties, there are
also many more corporats, as ap
peareth by the stat. of 3. Ed. 4. 5.
and these are certain Cites or

ancient ~~Princes~~ of the Land upon whom the Princes of this Nation have bestowed such extraordinary liberties, as London, Poole, Chester, Gloucester, and many others.

County in another signification is used for the County Court which the Sherife keepeth every moneth within his charge, either by himselfe or his deputy, see for this, M. Daltons Office of Sherifes. Of these Counties or shires one with another, there are reckoned to be 37. in England, besides the twelve in Wales.

Court.

Court is diversly taken, sometimes for the house where the King remaineth with his ordinary retinue, and also the place where Justice is judicially ministered, of which you may find 32. severall sorts in M. Crom. Juris. Well described, and of those the greater part are courts of record, some are not, and therefore accounted base courts in comparison of the others.

Besides these, there are also courts christian, so called, because that they handle matters chiefly appertaining to christianity, and such as without good knowledge in divinity cannot be well iudged of, being heretofore held by Bishops and Withops, as from the Pope of Rome; but after his excommunication they held them by the Kings authority, by virtue of his magistracie, as the Admirall of England holdeth his Court: Others

viel burghs del terre sur queun les Royes de cest gent ont donne tel Franchises extraordinaires, come Londres, Eberum, Castric, Gloucester, & plusieurs autres.

Countie en vn autre signification est vse pur le countie court que le viscont tient chescun moys deins son liberteie, ou per luy mesme, ou per son depurie, Veies pur ceo Monsieur Dalton, *Officium Vicecom.* De ceux Counties ou Shires vn oue autre la sont account destre 37. e Angleterre, ouster les 12. en Gales.

Court.

Court est diuersment prise, ascun foits pur le meason ou le Roy est present oue son ordinary attendants, & auxy le lieu ou iustice est judicialment ministre, de queux vous poies trouer 32. severall sorts en M. *Crompt. Juris.* bien describe, & de ceux le greinder sort sont Courts de record, ascuns ne sont, & pur ceo esteeme base Courts en respect des autres.

Ouster cetix auxy la sôt courts Christien, issint appel pur ceo q'ils treat choses especialment appertenant al Christianisme, & tiels que sans bien science en theologe ne poient estre pas bien decide, esteant tenus cy deuant p' Archieuesques & Euesques, cōa del Pape de Rome; mes apres sō eiedment ils tiendront eux p' l'autoritie le roy, *Virtute magistratus sui*, come Ladmiral Dengleterre tient son court :

Surque il proceed que ils mison hors leur citations en leur noſmes demefne, & nemy en le noſme le Roy, come les Juſt. des courts le Roy, font, & pur ceo come l'appelle de, ceux eburts giſera al Rome, iammes per le Statute de 25. H. 8. cap. 19. il giſt al Roy en ſon Chancery.

Upon it proceedeth that they ſent out their precepts in their owne names, and not in the Kings name, as the Juſt. of the Kings courts do, and therefore as the appeal from thoſe courts did lie to Rome, now by the Stat. of 25. H. 8. cap. 19 it lyeth to the King in his Chancery.

Court Baron.

Court Baron eſt vn court q̄ cheſcū Seignior dū m̄or ad deins ſon pr̄cincts demefne. De ceo Court & court Leet M. Kit. ad elcrie vn liure pleine de bone erudition. Ceſt Court cōſemble, en *Coke li. 2 fol. 26* eſt come double, & pur ceo ſi home ayant vn manor en vn villē gr̄a l'enheritance des tous les copiholds a ceo apperteinants a vn auter ceo grantee poſt tener vn court pur le cuſtomary tenants & accepter ſurrenders al vſe auters, & faire admittances & grants : L'auter Court eſt del Franktenants que eſt proprement appelle court Barō, en q̄ les ſuitors, ceſt adire, les Franktenants ſont Judges, ou d'auter court le S̄r ou ſon Senefchal eſt iudge.

Cranage.

Cranage eſt vn liberty pur vſer vn Crane pur le extraier des wares ou biens hors dui neiſſe, bateau ou naſſele al aſcun creeke ou wharfe, & de faire benefit de ceo : Eſt vſe auxy p̄ les deniers queux ſont priſes pur ceo labor.

Court Baron.

Court Baron is a court that every Lord of a manor hath within his owne pr̄cincts. Of this court and court leet, M. Kit. hath writ a learned book. This Court as it ſeemeth in Co. l. 4. f. 26. is a twofold, and therefore if a man hauing a Manor in a towne granteth the inheritance of all the copiholds thereunto belonging to another, this grantee may hold a court for the cuſtomary tenants, and accept of ſurrenders to the uſe of others, and make admittances and grants: The other court is of free holders, which is properly called the Court baron, wherein the ſuitors, that is to ſay the free holders are iudges, whereas of the other court the Lord or his ſeward is Judge.

Cranage.

Cranage is a liberty to uſe a crane for the drawing up of wares or goods out of any ſhip, boat or barge at any creeke or wharfe, and to make profit of it: It is uſed alſo for the money that is taken for that worke.

Creeke.

Creeke is that part of a March from whence any thing is landed or disburdened out of the sea. This word is used in the Statute made in the 5. of Q. Eliz. cap. 5. and 4. H. 4. cap. 20. &c.

Creeke.

Creeke est ceo part dun Hauré de quel ascun chose est discharge ou disburden hors del mere. Et cest paroll est vse en lestatute fait en le 5. an del Roign. Eliz. ca. 5. & 4. H. 4. ca. 20.

Curtilage.

Curtilage is a garden, yard, field or peece of void ground lying neere, and belonging to the messuage, West. part. 2. sect. 26. and so it is used, 35. H. 8. 5. 4. 39. El. 2. Co. lib. 6. fol. 64.

Curtillage.

Curtilage est vn garden, yard, campe, ou piece de vacant fre gisant pcheine & appartenant al messuage, West. part. 2. Sect. 26. & illint est vse, 35. H. 8. cap. 4. 39. El. 2. Case. 4. 6. fo. 64.

Concheutlaugh.

Concheutlaugh is he that willingly receiues a man blauien and cherishes or hides him, in which case hee was in ancient time subiect to the same punishment as the man blauien was, Bra. l. 3. tr. 2. c. 13. nu. 2. it is compounded of coith, i. knowe, and blauien, our-laieth, as he now call them.

Concheutlaugh.

Concheutlaugh est celuy qui voluntariement receiue home vtlage, & relieua ou cacha luy, en ql case il fuit en veiel temps lyable al mēle punishment que le home vtlage m fuit, Bra. l. 3. tra. 13. nu. 2. il en cōpose de coith, i. comis, & vtlaw, vtlage, como nous iammies luy appellomus.

Concher.

Concher is a factor inho continually in some place or country for traffick, anno. 37. Edw. 3. cap. 16. it is also used for the general booke into which any corporation entreteth their particular acts for a perpetuall remembrance of them.

Concher.

Concher est vn factour qui demeure en ale lieu ou pais p chiuissance, Anno 37 E. 3. c. 16. il est auxy vse p l'common liu en que ascun corporac' entret leur particulier faits p vn perpetual register de eux.

Craignie.

Craignie venist del Francoys croyance, id est, persuasio, & signifie cestuy q̄ consist auez que alcu deute soit ceo en deniers, waies, ou autres choses, & c̄ paroll est vse en le veiel N. B. en le bsc de *Audita querela*, fol. 66. a.

Creditor.

Creditor or **Creditor** comes of the french *Croyer*, that is, confidence or persuasion, and is signifie him that cruet another with any debt, be it money, waies, or other things, and this word is used in the old Nat. Bre. in the writ of *Audita querela*, fol. 66. a.

Craft.

Craft est un petite claue ou pighie adioyned a une meuse, & est vse ou pur pasture ou arable come ceo pleist le owner. Et semble d̄e deriue del veux paroll (*Craest*) id est, handy-craft, p̄ ceo que ceux terres sont pur le plus part manured ou le principall craft del owner.

Croft.

Croft is a little Close or pighle adioyned to an house, and is bled either for pasture or arable as the owner pleases. And it seemes to be deriued from the old word (*Craest*) that is to say, handy-craft, because that these lands are for the most part manured with the best skill of the owner.

Cuckingstool.

Cuckingstool est un engine invente pur le pūishment des scolds & inquiet femes, & fuit appellé en ancient temps un *Tūbrell*, come appert p̄ Monsieur *Lambert* en son *Eirenarch. lib. 1. cap. 12.* Et appert per les cases & Iudgements en Eire, en le temps E. 2. que Pillory & *Tūbrell* sont appendans a un Lect, sans queux droit ne poit estre fait as parties deins le view, *Keloway fol. 140. b.*

Cuckingstool.

Cuckingstool is an engine invented for the punishment of scolds and inquiet women, and it was called in old time a *Tūbrell*, as appert p̄ *M. Lambert* in his *Eirenarch*, lib. 1. cap. 12. And it appears by the cases and Iudgements in Eire, in the time of Edward the third, that a Pillory and a *Tūbrell* are appendant to a Lect, without which right cannot be admitted to the parties within the view, *Keloway fol. 140. b.*

Cunrey.

Cunrey cunrey is a kind of trial, as appeareth by Bract in these words. The matter in this case shall be ended by cunrey cunrey, a. between coheires, li. 4. tr. 2. c. 14. and again in the same place. In a writ of Right the business shall be determined by cunrey cunrey: and thirdly, li. 4. tr. 4. c. 2. The cause shall be tried by writ of Right, neither by batell nor the great Assise, but by cunrey cunrey only, the which sequeth to be as much as by the ordinary Jurie.

Curfew.

Curfew cometh of two French words, Couvrir, to cover, and Feu, fire: it is used with us for an evening peale, by which the Conquerors willed every man to take warning for the taking by of his fire, and putting out of his light: So that in many places at this day when a Bell is customably rung to ward bed time, it is said to ring Curfew.

Currier.

A Currier is one that dresseth or liquoreth leather, and is so called of the French word Cuir, id est, Corium, leather: the word is used in all the Statutes made for the good making of leather, as in 1. lac. cap. 22. &c.

Curson.

Curson is an officer or Clerke belonging to the Chancery, who maketh out original writs, 14. & 25. H. 8. cap. 4. They are

Cunrey.

Cunrey cunrey est vn kind d' trial, come appiert p Bract. en ceux parols, *Negotium in hoc casu terminabitur per cunrey cunrey, sicut inter coheredes*, li. 4. tra. 2. ca. 18. & arce en fin le lieu, *In breui de recto negotium terminabitur per cunrey cunrey: & uicement*, li. 4. tra. 4. cap. 2. *Terminabitur negotium per breui de recto, ubi nec duellum, nec magna assisa*, sed per Cunrey cunrey omnia, lo quel semble destre tant come per l'ordinaire iurie.

Curfew.

Curfew vient des deux parols Francois, *Couvrir*, couurer, & *Feu* fire: est vse que nous pur vn peale vespre, per que le Conquerour command chescun hōs de pnder garnie pur le couerture de son feu, & l'extinguishant de son lumen; Isint que en plusors lieus a cest iour, ou vn campanē e usualment a pchein tēps du fest, il est dit de rincer Curfew.

Currier.

Currier est vn que dresse & liquore cuir, & est isint appell del François parol *Cuir*, id est, *Corium*: Cest parol Currier, est frequent en tous les Statutes faits pur le bon fealance de cuir, come en 1. Iacobi cap. 22. &c.

Curfiter.

Curfiter est vn Officer ou Clerk appartenant al Chancerie, que fait hors original brieves, 14. & 25. H. 8. cap. 4. Sont appel

appel Clerkes del Courte en le
serement des Clerkes del Chan-
cery, appointe anno 18 Edw. 3.
Stat. 5. La sont de ceux viint qua-
rer en nombre, que ont allotta a
chescun de eux ase' countees en
le quel il sont hors. xiiij. origi-
nal Brieses, que soit per le sub-
iect requier, & sont yn Corpo-
ration int eux mesmes.

Custom.

Custom poit estre define
destre vn Ley ou Droit nient
escrie, que estant estable per
veiel vse & le consent de nost. &
Ancestors, ad estre, & iourent
est mise en vre. Custom est ou
generall ou particul', general
c q' e' approue per tout Angli'e,
de jeux vbs poyes lier en Do-
ctor & Student, li. 1. cap. 7. plu-
sors fort digne destre conus. Par-
ticular est ceo que apperticet a
ceo ou tiel County, come Gaue-
kind at Kent; ou a ceo ou tiel
Seigniorie, Citie, ou Ville.

Custom differt del prescrip-
tion, p' ceo que Custom est co-
mon a plusors, & Prescription,
p' l'opinion d'acun, est particu-
lar a cel ou tiel h'oe: Auxy Pre-
scription poit estre pur vn plus
cort temps q' custom, scz p' cin-
que ahs, ou vn anne, ou meins;
Coe si si le soit duement leuy d'
fres ou tenements, & ne soit de-
dit deins cinq; ans, c'est barr a
chesc' clai'm a tous iours.

Si home comittra son continu
clai'm pur vn an & iour, dan-
que le Tenant en possession
prescribe va priuilege entiers

called Clerkes of the Courte in
the oath of Clerkes of the Chan-
cery, appointed anno 18. Ed. 3. that
there are of them 24 in number,
which haue allotted unto euery of
them certaine Shires, into the
which they make out such origi-
nall writs as are by the subiect
requiered, and are a corporation
among themselves.

Custom.

Custom may be defined to be a
Law or Right, not written,
which being established by long
vse, and the consent of our Ance-
stors, hath bin, and daily is put
in practice. Custom is either ge-
nerall or particular; general is
that which is current th'owt in
England, wherof you may reade
in Doctor and Student, l. 1. c. 7. ma-
ny be v' known by to be known;
Particular is that which belong-
eth to this or that county, as Ga-
uekind to Kent, or to this or that
Lordship, Citie, or Towne.

Custom differeth from pre-
scription, because that custom is
common to many, and prescrip-
tion, by the opinion of some, is par-
ticular to this or that man; again,
Prescription may be for a shorter
time than Custom, scz for five
yeares, or one yeare, or lesse: As
if a fine be duly leuied of lands or
tenements, and be not gain-sayed
within five yeares, this is a barre
to all clai'm for euer.

If a man ouertith his continu-
all clai'm for a yeare and a day,
then the tenant in possession may
take boch an immunity against the

metry of the demandant and his
heire, Fitz Nat. Bre. 79. Out of our
Statutes you may haue greater
diuersity; So that this seemeth
to be a true saying, That Pres-
cription is an exception founded
vpon so long time gone and past,
as the Law limiteth for the pur-
suit of any action. An example
may be taken out of the Statute
of 1 Hen. 8. cap. 4. which enacteth,
That in all Actions popular, in-
formation shall bee made within
three years after the offence com-
mitted, or herwise to be of no force.

Custom is also used for the
tribute or toll that Merchants
pay to the King, to carry in and
out merchandises, 14 Ed. 3. Stat. 1.
ca. 21. in which signification it is
called *Custuma* in Latine, Regist.
129. 2. 138. 2.

And lastly, for such seruices as
Tenants of a Manor owe vnto
their Lord, Old booke of Entries,
word Custom.

Custos Breuium.

Custos Breuium is the chiefe
Clerke belonging to the court
of common plects, whose office is
to receiue and keepe all the writs,
and to put them vpon files, euery
returne by it selfe, and at the end
of euery terme to receiue of the
Prothonotaries all the Records
of *Nisi prius*, called the *Postea*.
The *Custos Breuium* also maketh
entrie of Writs of Couenant, and
the concord vpon euery fine, and
maketh out exemplifications and
copies of all the writs and records

l'enchie le demandant. & son
heire, Fitz N. B. 79. Hors de no-
stre Estatutes, vous pol. le plus
grand diuersité; Il est que ceo
semble estre vn voier dit: Que
prescription est vn exception
founded sur tant temps ale &
passé, q. la Ley limitea pui le pur-
suiue de l'Action. Vn exemple
peut estre prise hors del Estatute,
de 1 Hen. 8. ca. 4. q. enact, que en
tous Actions populaires, informa-
tion terra fait deins trois ans puis
l'offence committ, autrement estre
de nul vigueur.

Custom est auxy vscé le tri-
bute ou tolle que Merchants
payeront al Roy de porter cins
& hors merchandises, 14 E. 3.
Stat. 1. ca. 21. en quel signifi-
cation est appel *Custuma* en Latine,
Reg. orig. 129. a. 138. 4.

Et denierment, par tiels ser-
uices q. Tenants dun Manor doi-
ont a leur Seignior, Veyel liuer
D'entries, verbo *Custom*.

Custos Breuium.

Custos Breuium est le premier
Clerke appartenant al Court
de common Plects, l'office de q.
est de receiue & tener tous les
Briefes, & mitter eux sur files,
chescun Returne par luy mesme,
& al fine de chescun terme de re-
ceiue del Prothonotaries tous
les Records de *Nisi prius*, appelle
le *Postea*. Le *Custos Bre.* auxy fait
entrie des Briets de Couenât, &
l'Accord sur chescun fine, & fait
hors exéplifications & transcrips
de tous les Briefes & Records

The Exposition of

en son office, & de tous les fines
lente. Les fines puis que ils sont
engrossé, les parts de ces sont
dividées entre le *Custos Breuium*
& l'Chirographer, de que le
Chirographer reçoivent tous
soit aucuns le Brieve de Comen-
tance &c le nore, le *Custos Breuium*
recoit le Cōcord & pœe el fine,
sur quel pœe le Chirographer
cause les proclamations de l'ro-
indorse quant ils sont pro-
clamez.

in his office, and of all the fines
lente. The fines after they be
ingrossed, the parts thereof are
divided betwixt the *Custos Breuium*
and the Chirographer, whereas the Chirographer receiveth all the briefs of Comen-
tance and the rate, the *Custos Breuium* receiveth the concord, and the foot of the fine, upon which foot the Chirographer causeth the proclamations to be indorsed when they be as pro-
clamed.

Custos Rotularum.

Custos Rotularum, est celuy
qui a le custodie des Rolls ou
Records des Sessions del Peace,
& come a l'is semble, del Com-
mission del Peace mesme. Lamb.
Lib. 4. cap. 3. pag. 373. Il est tous
foies Justice del Peace & *Quo-
rari*, en le Countie ou il ad son
Office, & p's Office il est plus
istost appel vn Officer ou Mi-
nister, que vn Judge, par ceo
que le Commission del peace
impôsees especial Charge par
expresse parols sur luy, *Quod
ad dies & loca prædicta brevia,
precepta, processus, & indica-
menta prædicta eorum be et diffin-
datis suis venire facias.*

Custos Rotulorum.

Custos Rotulorum is he that
hath the keeping of the Rolls
or Records of the Sessions of
the Peace, and as l'is sheweth, of
the Commission of the Peace is
made, Lamb. lib. 4. cap. 3. pag. 373.
He is alwayes Justice of the
Peace and Quorum in the Coun-
tie where he hath his office, and
by his office hee is rather termed
an Officer or Minister, than a
Judge, because the Commission
of the Peace layeth this speciall
charge by expresse words upon
him, That hee should cause the
Writs precepts, processe, and in-
dicaments aforesaid, to come and
be before him and his fellow Justs
at the dayes and places aforesaid.

Custos des Spirituelles.

Custos Spirituales est celuy
qui exerce le Spirituel &
Ecclesiastical Jurisdiction d'el-
can diocesse, comme le vicar

Gardian of the Spiritualities.

Gardian of the Spiritualities is he
that exerciseth the Spiritual
and Ecclesiastical Jurisdiction of
any diocesse, having the title of
the

the See; the appointment of whom by the Canon Law pertaineth to the Dean and Chapter, Lest chache See being vacante, some nouelrie might happen: But in England the Archbishop of the Prouinces hath it by Prescripti- on; Notobest many Deanes and Chapters, as M. Gwyn saith in his Preface to his Readings, challenge this by antient charters from the Kings of this Land.

Curtesie of England.

Curtesie of England, is where a man taketh a wife seised in fee simple, or fee taile generall, or seised as heire of the taile especial, and hath issue by the wife male or female, be the issue dead or in life, if the wife die, the husband shall hold the land during his life by the Law of England: And it is called Tenant by the Curtesie of England, because that this is not vsed in any other Realme, but onely in England.

But if an infant was neuer heard, or alive, then the husband shall not be Tenant by the Curtesie: yet the hearing is not necessary, for if the issue be borne alive it sufficeth, and the crying of the Infant is but a prooffe of the life. If the woman be deliuered of a Monster, which hath not the shape of mankind, this is not issue in Law: But although the issue hath some deformitie or defect in the hand or foot, and yet hath humane shape, it sufficeth to make the husband Tenant by the

de See; L'appoynement de quel per le Ley Canon, appartenant al Dean & Chapitre, Ne sodd vacante aliquid innouetur: Met en Anglierre L'archieuesque del Prouince ad ceo per Prescription: Vncore plusieurs Deanes & Chapitres, come qst Monsieur Gwyn en le Preface a son Lectures, ceo demaundé per veyes Chartres des Roys de cest terre.

Curtesie D'engleterre.

Curtesie D'engleterre, est lou home prent feme seisie en fee simple, ou fee taile general, ou seisie come heire de la taile special, & ad issue per la feme male ou female, soit issue mort ou en vie, si la feme deuie, le baron tiendra la terre durant sa vie, per la Ley de Angleterre: Et est apel Tenant per la Curtesie de Anglestre, pur ceo q' e' vsé en nul autre Royalme, forsque tanselement en Angleterre.

Mes si l'enfant ne vnques soit oyés ou vife, donque le Baron ne serra Tenaunt per le Curtesie: Vncore le oyer nest necessa- tie, car si le issue soit nec en vie, ceo suffist, & le cryer del Enfant nest forsque prooffe del vie. Si la Feme soit deliuer a un Mōster, que nad le shape de homes, coo nest pas Issue en la Ley: Mes coment l'issue ad aucun deformitie, ou defect en le maine ou pee, & vncore ad humane shape, ceo suffist de faire le Baron Tenaunt per le Curtesie:

tesse: Et en aucun cas, le tēps del nestre est materiall, & en aucun nemy: Et pur ceo si hoc prist feme enheretrix, que est grauidment enseint per luy, & l'issue est rippe hors de sa venter en vie, ore il ne serra Tenant per le Curtesie, car ceo doit commencer per l'issue, & consummate per le mort la feme, & l'estate de Tenant per le Curtesie couient a tollre le immediate descēt. Mes si Barō ad issue per sa feme, & puis Terre descend al feme, soit l'issue donque mort, ou en vie, il serra Tenant per le Curtesie, car le temps del nestre del Issue nest materiall, si ceo soit en la vie sa feme. Si terres sont dōc al feme, & al heires males de sa corps, & el prist baron, & ad issue fila, & morust, le baron ne serra Tenaunt per le Courtesie, car l'issue ne poert per aucun possibilitie enheriter mesme les Tenements. Auxy come vn feme alien, espousant vn subiect del Roy, ne serra endowe, en mesme le manner vn home alien nee, ne serra Tenant per le Curtesie.

Auxy si home seisie de Terre en droyt sa feme, soit atteint de Felony, ayant issue, & donque purchasē le pardon le Roy, & puis son feme morust, la il ne serra Tenant per le Curtesie: Mes si ad issue per son feme nee puis le pardon, en tiel case il serra Tenant per le Curtesie.

Curtesie: And in some cases the time of the birth is materiall, and in some not: And therefore if a man marryeth a woman Inheretrix, who is great with child by him, and the issue is ript forth of her belly alive, there hee shall not be Tenant by the Curtesie, for this ought to begin by the issue, and consummate by the death of the woman, and the estate of the Tenant by the Curtesie ought to avoid the immediate descent. But if the husband hath issue by his wife, and after land descendeth to the woman, be the issue then dead or alive, he shall be tenant by the Curtesie, for the time of the birth of the issue is not materiall, if it be in the life of the woman. If lands be given to a woman, & the heires males of her body, and she taketh an husband, & hath issue a daughter, & dieth, the husband shall not be tenant by the curtesie, for the issue cannot by any possibility inherit the same tenements. Also as a woman alien borne, marrying one of the Kings subiects, shall not be endowed, in the same manner a man alien borne, shall not be Tenant by the Curtesie.

Also if a man seised of land in the right of his wife, be attainted of Felony, having issue, and then purchaseth the Kings pardon, and after his wife dieth, there he shall not be tenant by the curtesie: But if he hath issue by his wife, borne after the pardon, in such case hee shall be Tenant by the Curtesie.

Cuynage.

CVynage is a word used in the Statute of 11 H. 7. cap. 4. for the making up of Tinne into that fashion as it is used to be framed into, for the better carriage of it into other places.

Cuynage.

CVynage est un paroll usé en lestatute 11. H. 7. cap. 4. pour le framer de Estaigne en tiel forme comme solont de ceo framer, pour le plus apt portage de ceo en auters lieux.

D

Damage fesant.

DAmage fesant is when a strangers beasts are in another mans ground, without lawful authority or licence of the tenant of the ground, and they doe feed, tread, and otherwise spoile the corne, grasse, woods, or such like: In which case the Tenant whom they hurt, may therefore take, distraine, and impound them as well in the night, as in the day. But in other cases, as for Rent, and Services, and such like, none may distraine in the night season.

And this word Damage is used in a more large acceptation than is aforesaid, and is sometime a part of the which the Jurors are to enquire of, in giving their Verdict for the Complainant, or Demandant, in an Action Real, or Personall. For after the verdict given upon the principal matter, they are also asked their Consciences touching Costs, which are the expenses of the Suit, & Da-

D

Damage fesant

DAmage fesant est uant les bestes de un estrange s'oy en auters terres, sans authorite loyale ou licence del Tenant de la fee, & la mager oit, tread, ou autrement spoylont les Bleez, Grasse, Bois, ou tiels semblables: En quel case, le Tenant que ils issint Damage, poit pur eco prendre, distraire, & impound eux, cy bien e le nuict, cbe en le iour. Mes en auters cases cbe pur Rent, & services, & tiels sembles, nul poit distraire en le nuict temps.

Et cest parol Damage est prise en un plus large acceptation q est auantdit, & est aucunfoits un part de ceo que les Jurors s'oy de enquire donant leur Verdict pour le Plainife, ou Demandant, en un Action Real, ou Personall. Car puis le verdict done sur le principal cause, ils sont auxy demandant leur Consciences touchant Costs, queux sont les expenses del Suit, & Da-

The Exposition of

mages, que contiene le parde
que le plaintife ou demandant
ad sustaine per cause del tort
luy fait per le Defendant, ou
Tenant.

Et entant que Justice & Reason
veillent, que quant le Vie, le
Credit, les Terres, les Biens, le
corruption de son Sanke, & tout
ceo que home ad a forfeiter en
cest Monde, sont mise en peril
sans voier desert, ou cause, mes
solemt sur le malicious accusatiō
d'un auter papeale que le ap-
pelle aueroit satisfaction pur ceo
cnuers son faux accuser, & si nad
sufficient, donque vers luy ou
ceux que luy abbetta ou procura
de pursuer le Appeale; Pur
ceo le Common Ley donast da-
mages al defendant en un Ap-
peale, & assigne a luy un meane
pur le recouerie de eux, quant
il suist acquite del Felony, come
est 48. Ed. 3. 22. Mes entant que
les Damages queux fueront
destre recouer vers le procurors
& abbetors, fueront destre recou-
uer per originall Brieft, cest a-
scauire, per Brieft de Conspi-
racy, & nient auterment, que
ne fuist cy curt remedie, come
le heinous degree del tort re-
quire, le Statute de Westminster
le 2. Anno 13. Ed. 1. cap.
12: pur le plus subite redresse
fuit, ordaine.

Mes si le defendant barre le
plaintife de son Appeale, don-
que il ne poit recouer Damages
p-le dit Stat. cnuers le plaintife,
forque le Barre soit tiel que

mages, which contain the hind-
rance that the plaintif: or deman-
dant hath suffered by meanes of
the wrong done unto him by the
Defendant or Tenant.

And for as much as Justice and
Reason require, That when the
Life, the Credit, the Lands, the
Goods, the corruption of Blood,
and all that a man hath to forfeit
in this World, are put in perill,
without true desert or cause, but
only upon the malicious accusa-
tion of another by Appale, that
the Appellee should haue satisfac-
tion therefore against his false
accuser, and if he hath not suffici-
ent, then against him or them
that abbetted or procured him to
pursue the appeale; Therefore
the Common Law gaue dama-
ges to the defendant in an Ap-
peale, & assigned to him a meane
for the recovery thereof, when hee
was acquitted of the Felonie, as
it is 48. Ed. 3. 22. But forasmuch
as the Damages which were to
bee recovered against the procu-
rors and abbetors, were to be re-
covered by originall writ, that is
to say, by Writ of Conspiracie,
and not otherwise, which was
not so speedy a remedy, as the he-
inous quality of the wrong requi-
red; the Statute of Westminster
the 2. Anno 13. Ed. 1. cap. 12. for
the more sudden redresse thereof,
was ordained.

But if the defendant barreth
the plaintife of his Appeale, then
he cannot recover Damages by
the said statute against the plain-
tife, except the Barre be such as
acquitteth

acquith the defendant of the felonie : And for that, if the defendant pleadeth, that the appellant is a Bastard, or hath an elder Brother, or like Pleas in Bar, and thereby barrith the plaintife, yet he shall not recouir Damages against him, for the defendant may bee indicted againe of the same felonie, and attainted notwithstanding any of those Pleas, for by them the innocencie of the defendant is not tryed, and therefore he shall not haue Damages. 27. Aff. pl. 25. The same Law is, if the defendant barrith the Appellant by Demurrer in Law : And so it is, if in Appcale of the death of a man the defendant pleadeth to the issue, and it is found by verdict that he killed the man in his owne defence or by chancemely, in these cases hee shall not recouir damages.

But if the defendant in Appcale hath the release of the Appellant, or the Kinges pardon, and will waive them and plead not guiltie, and is acquitted, in this case hee shall recouir damages.

And it is to be noted that this word damage is taken in the Law in two severall significacions, the one properly and generally, the other strictly and relatively, properly as it is in cases where damages are founded upon the Statute of 2. H. 4. cap. 1. and 8. H. 6. cap. 9. where costs are included within this word Damages, for *Dammum* in it's proper and general signification is said, &

acquie le Defendant del Felonie : Et pur ceo si le defendant plead, que le appellant est ou Bastard, ou ad vn eigne Frere, ou tiels Pleas en Barre, & per eux Barre le Plaintiffe, vncore il ne recouera Damages vers luy, car le Defendant poit estre endite arere de mesme le Felonie, & atteint nient obstant ascun de ceux Pleas, car per eux le innocencie del Defendant nest pas trie, & pur ceo il nauera Damages. 27. Aff. Pl. 25. Mesme le Ley est, si le Defendant barre le appellant per Demurrer en Leys Et issint est, si en Appcale del mort d'un home le defendant plead al issue, & est troue per verdict q il occidele hōe en son defence demesme, ou per misadventure, en ceux cases il ne recouera damages.

Mes si le defendant en appcale ad le release del appellant, ou le pardon le Roy, & voile eux waiver & plead nient culpable, & est acquite, en cest case il recouera damages.

Et est a scauoir que cest parol *danna* est prise en la Ley en deux several significacions, l'un properment & generalment, l'auter relative & stricte, properment come est en cases ou damages sont foundue sur le stat. de 2. H. 4. ca. 1. & 8. H. 6. cap. 9. ou costs sont eclude deins cest parol damage, car *Dammum* en son proper & general signification, *Dicitur &*

The Exposition of

demendo, cum diminutione res deterior fit, & en cest sens costs de suit sont damage al plain. iſe, car per eux res. ſua. diminuit. Mes quant le plaintife monſtre le tort fait a luy a damage de tiel ſomme, ceo eſt deſtre puiſe relative pur le tort que eſt paſſe deuant le Brieſe port, & ſont aſſeſſe occasions transgreſſionis predictæ, & ne poit extendre al costs de Suit que ſont future, & d'un autre nature, Veies Coke lib. 10. fol. 116. 117.

demendo, when a thing by diminution is made worſe, and in this ſenſe costs of ſuit are damages to the plaintife, for by them his ſubſtance is diminished: But when the plaintife declareth the wrong done to him to the damage of ſuch a ſomme, this is to be taken relatively for the wrong which is paſſed before the writ brought, and are aſſeſſed by reaſon of the Trespasse aſeſaid, and cannot extend to costs of Suit which are future. and of another nature, See Coke lib. 10. fol. 116. 117.

Danegeld.

Danegeld, hoc eſt, quierũ eſſe de quadã conſuetudine q̃ currit aliquotẽpore, quã quidẽ Dani leuauerunt in Angliã.

Ceo commence primerment en temps le Roy Etheldred, quel eſteant en grand diſtreſſe per le continual euafion de les Danes pur purchaſer paix, ſuit compell' de charge ſon pais & peoſleoue importable paimẽts, car il primerment done eux al cinque ſeuerall paimẽts 113000. li. & puis grant al eux 48000. li. annualment,

Danegeld.

DAnegeld, that is, to be quit of a certaine cuſtome which hath run ſometimes which the Danes did leue in England.

This began firſt in the time of King Etheldred, who being ſore diſtreſſed by the continuall enuaſion of the Danes, to purchaſe peace, was compelled to charge his Countrey and people with importable payments, for he firſt gaue them at ſiue ſeuerall payments 113000. li. and afterwards granted them 48000. li. yearly.

Darreine preſentment.

Darreine preſentment, Aſſiſe de ceo gift ou ico. ou mon auncẽſtors ad pſent vn Clerk, al vn eſgliſe & puis le Eſgliſe eſteant voyde per le mort del dit Clerke ou autrement, vn eſtranger preſent ſon Clerke al meſme

Darreine preſentment.

Darreine preſentment, an Aſſiſe thereof lyeth where 3 or more auncẽſtors haue preſented a Clerk to a Church, & after the Church being void by the death of the ſaid Clerk or otherwiſe, a ſtranger preſenteth his Clerk to the ſame Church

Church in disturbance of mee: And how it is otherwise used, See Bract. l. 4. tract. 2. Regist. Orig. fol. 30. If husband and wife present to an aduowson, in right of the wife, which is appendant to the Manor of the wife, and after the husband alieneth an acre, parcel of the Manor, with the aduowson in fee to a stranger and dyeth, and after the stranger presenteth, and then alieneth the acre to another in fee; saving the aduowson to himselfe, and after the Church is void, there the wife shall present, and if she be disturbed shee shall haue an Assise of Darreine Presentment, because that the aduowson was severed from the acre. But if the aduowson was appendant to the acre, then the wife ought to recover the acre before shee presenteth to the aduowson, Fitzh. Nar. Breuium, 32.

Deane and Chapter.

Deane and Chapter is a body Corporate spirituall, consisting of many able persons in Law, as namely the Deane (who is chiefe) and his Prebends, and they together make the Corporation. And as this Corporation may ioyntly purchase Lands and Tenements to the vse of their Church and successors; So likewise every of them seuerally may purchase to the vse of himselfe and his heires.

And as there are two foundations of Cathedrall Churches in

Esglise en disturbance de moy: Et coment ceo est autrement vse, Veies *Bracton lib. 4. Tract. 2. Regist. Orig. fol. 30.* Si baron & feme present al Aduowson, en droit la femme, que est appendant al mannor la feme, & puis le baron alien vnacre, parcel del mannor oue le aduowson en fee a vn estrange, & deuie, & puis le estrange present, & puis alien le acre a vn autre en fee sauuant le aduowson a luy meisme, & puis le Esglise voida, ore la feme presentera, & sel soit disturbe el auera Assise de Darreine Presentment, pur ceo que l'aduowson fuit seuer del acre; Mes si l'aduowson fuit appendant al acre, donque couient al feme a recouer le acre auant que el presentera al aduowson, *Fitzherbert, Nature Breuium, 32.*

Deane & Chapter.

Deane & Chapter est vn corps Coporate spirituall, consistant de plusieurs able persons en Ley, come mesmement de Deane (quo est principal) & ses Prebends, & ils ensemble font le Corporation. Et sicome cest Corporation poyent ioynement purchase terres & tenements al vse d' leur Esglise & successeurs; ainsi auxy chescun de de eux seueralment, poit purchase al vse de luy & ses heires.

Et Si come la sont deux foundations Desglises Cathedrall en
P 3 Angleterre,

The Exposition of

Angleterre, le veiel & le nouel
(le nouel sont ceuz queuz le
Roy Henry le huit sur suppress-
sion Dabbies transforme de Ab-
bot ou Prior & Couer, al Deane
& Chapitre) issint la sont deux
meanes del Creation de ceuz
Deanes, car ceuz del veiel founda-
tion sont confiere a lour digni-
tie semble al Buesques, le Roy
primerment mittant hors son
oengee De'sine al Chapitre, le
Chapitre donques esliant, le
Roy rendant son Royal assent,
& Leuesque luy confirmant &
donant son Mandate de luy in-
staller. Ceuz del nouel founda-
tion sont per vn voy plus curt
enstalle per les Letters Patents
del Roy sans autre election ou
Confirmation.

Ces parols est auxy apply-
cés aux diuers que sont les primers
de certaine pecciar Elghises ou
Chappels, come le Deane del
Chappel del Roy, le Deane del
Archies, le Deane del Chappel
de Saint George en Windsor.

Debet & solet.

DEbet & solet, ceuz parols sont
vse en le veiel Natura Breui-
am, fol. 98. le Biesse de Secta
molendini esteint en le Debet &
solet est vn Biesse de droit, &c.
& arere, fol. 69. Vn Biesse de
Quod permittat, poit estre plead
en le Coustie deuant le Viscount
& poit estre en le Debet & Solet
ou le Debet solement come le
demandant clame. Pur que

England, the old and the new
(the new are those that King
Henry the eight upon suppression
of Abbeyes, transformed from
an Abbot, or Prior and Couent,
to Deane and Chapter) so there
are two means of Creation of
these Deanes, for these of the old
foundation are brought to their
Dignitie likeunto Bishops, the
King first sending out his Con-
gec deslire to the Chapter, the
Chapter then chusing, the King
giving his Royall assent, and
the Bishop confirming him, and
giving his mandate to install
him. Those of the new foundati-
on are by a shorter course enstal-
led by the Kings Letters Patent
without other election or confir-
mation.

This word is also applied to
others that are the chiefe of cer-
tain pecciar Churches or Chap-
pels, as the Deane of the Kings
Chappell, the Deane of the
Archies, the Deane of Saint
Georges Chappell in Windsor.

Debet & solet.

DEbet & solet, these words are
vse in the old Natura Breuium
fol. 98. the writ of Secta molendi-
ni, being in the Debet and Solet,
is a writ of right, &c. And a
gaine, fol. 69. a writ of Quod
permittat may be pleaded in the
Countie before the Sheriffe, and
may be in the Debet and Solet;
or the Debet onely, as the De-
mandant claimeth. Therefore
note,

note, That these Writts that are brought in such sort, haue these words in them, as formall words not to be omitted.

And according to the diuersitie of the case, the Debet and Soler are vsed, or the Debet onely; as if a man by Writt sueth to recouer any right whereof his Ancestour was disseised by the Tenant or his Ancestour, then hee vseth onely the word Debet in his Writt, and it is not apt to vse Soler, because that his Ancestour was disseised, and the custome discontinued; but if hee sueth for any thing that is first denyed vnto him, then hee hath both these words, Debet & Soler, because that his Ancestour before him, and himselfe haue vsually enioyed the thing for which hee sueth, as Suit to the Mill, or Common of pasture, vntill this present refusall of the Tenant, Register. Orig. fol. 144. 2.

Debet & Detinet.

DEbet & Detinet, much may be said of these words, that haue beene spoken of the words next afoze: As if a man be bound to another, and maketh his Executoz and dieth, and the money groweth due in the time of the Testator; and afterward the Executoz payeth it not, the Action brought against him therefore, shall be in the Detinet onely, and so in all Actions brought by Executors as Ex-

que nota, que ceux Brieves que sont port en tel sort, ont ceux parolx en eux, come formal parolx, nient desre omer.

Et accordant al diuersitie del case le Debet & Soler sont vse ou le Debet tantum; cbe si home per Brieve sue de recouerer ascun droit de que son Ancestor fuist disseise par le tenaunt ou son Auncestor, donque il vse seulement le parol Debet en son Brieve, & nest apt de vser Soler, pur ceo que son Auncestor fuist disseise, & le vlsage discontinue; mes sil sue pur ascun chose que est primerment denie a luy, donque il ad ambideux ceux parols Debet & Soler, pur ceo q ses Ancestors deuant luy, & luy mesme ount vsualmente enioy l'chose p que'il fuist, come suit al Molin, ou Common de Pasture iesque cest present refusal del Tenaunt, Register. orig. Fol. 144. 2.

Debet & Detinet.

DEbet & Detinet, much peut estre dit de ceux parolx que ad estre dit des parolx procheinadeuant: Come si home soit obligé a vn autre, & fait son Exécuteur, & mort, & l'argent fuist due en le temps del Testator, & apres l'executoir ceo ne rend pas, la L'action port vers luy, pur ceo setra en le Detinet tantum; & issint en tous Actions port per executors come Executors

The Exposition of

cuteurs, le Briefe serra en le *Detinet tantum*, comont que le durie accrue en lour temps demesné, pur ceo que le chose ou damnaiges recouer serra assers.

Mes si Lessee pur ans rendant Rent, fait ses executors, & mortuif, & le rent incurre puis le mort del Testatour, ore Action de Debr serf. port en le *Debet & Detinet*: Car quant Executor ou administrator prist les profits, rien serra assers mes les profits ouster le Rent: Come si le Terre vault dix liuers per an, & cinque liuers est reservee, en cest case rien serra assers forsque le cinque liuers ouster le Rent, & pur ceo le Briefe serra pur l'rent en le *Debet & Detinet*, Coke lib. 3. fol. 31.

Decies tantum.

Decies tantum est vn briefe, & gist l'ou vn iurour en ascū Enquest prist Argent dun parcle ou d'auter, pur done son verdict, donques il payera dix foits a tant que il ad receiue; Et chescun que voyle sūer puit auer le Action, & auera l'un moitie, & le Roy l'auter moitie. Mes si le Roy en tiel Case release per son pardon a tel iurour, vncore ceo ne serra barre vers celsuy que port l'Action, mes que il recouera l'auter moitie, si son Action soit commence deuant le pardon le Roy, mes si le pardon soit deuant ascū action, il est barre encoliter toutes gens.

cuteurs, the writt shall bee in the *Detinet* onely, although the dutie accrued in their stonetime, because that the thing or damages recovered, shall bee theirs.

But if Lessee for years rendering Rent, makes his Executors, and dyeth, and the Rent encurrerth after the death of the Testator, there an action of Debt shall bee brought in the *Debet & Detinet*: for when an Executor or Administrator taketh the profits, nothing shall be assers but the profits above the rent: As if the Land is worth ten pound by the yeare, and five pound is reserved, in this case nothing shall be assers but the five pound above the rent, and therefore the writt shall be for the rent in the *Debet & Detinet*, Coke lib. 3. fol. 31.

Decies tantum.

Decies tantum is a writ, and lyeth where a Juror in any Enquest taketh money of the one part or other to giue his verdict, then hee shall pay ten times as much as hee hath receiued, and every one that will sue may haue Action, and shall haue the one halfe, & the King the other halfe.

But if the King in such case release by his pardon to such a Juror, yet that shalbe no bar against him that bringerth the Action, but that hee shall recouer the other halfe, if his Action be commenced before the pardon of the King. but if the pardon be before any Action, it is a bar against all men.

And the same Law is of all other Actions popular, where one part is to the King, and the other to the party that sueth. And the Embracers which procure such Enquests, shall be punished in the same manner, and they shall have the imprisonment of a yeare, but no Justice shall enquire thereof of Office, but only at the suit of the partie.

Deciners.

Deciners are such as were wont to haue the ouersight & command of ten free burges for the preserving of the Kings peace, and the limits or circuit of their jurisdiction was called Decenna. *Bract. li. 3. tract. 2. c. 15.* Also you may reade *Elec. lib. 1. cap. 27.* And also the *Regist. Orig. fol. 68. b.*

These seemed to haue large authority in the Saxons time, taking knowledge of causes within their circuit, & redressing wronges by way of iudgement, as you may reade in the *Statutes of King Edward* set out by *M. Lambert, num. 32.* Also there is mention of these in *Britton cap. 12.* who saith in the Kings person, (as he writeth his whole Booke) in this manner, *Alle will that all such as are fourteene yeares of age, shall make oath, That they shall bee sufficient and loyall unto Us, and that they will not be felons, nor assenting to felons, and that all be professed to bee of this or that Doecine, and make or offer suretie of their behauiour, by these or those Deciners, except Religious*

Et mesme le Ley est de tous Actions populaires lou vn part est al Roy, & l'autre al partie que suera. Auxy les embracers que procurent tiels enquests, seront puney en mesme le manner; & ils aueront imprisonment de vn an. Mes nul Justice enquirera de ces de Office, mes seulement al suire del partie.

Deciners.

Deciners sont tiels queux s'employent d'auer le suruey & checke de dixc sriburge par le maintenance del Peace le Roy, & les limits ou circuit de leur jurisdiction fuit appel *Decenna*, *Bract. l. 3. tra. 2. c. 15.* Auxy poyes lier *Fleta lib. 1. cap. 27.* Et auxy le *Regist. Orig. fol. 68. b.*

Ceux sembler d'auer grand authorite en le temps des Saxons, prestant conuans de causes deins leur circuit, & reformant torts per voyde iudgement come poyes lier en les leyes del Roy *Edouart*, public per Monsieur *Lambert, num. 32.* Auxy la est mention fait de ceux en *Britton cap. 12.* que dit en le person le Roy, (come il escria tout son liure) en tiel maniere, Nous voilomus que tous tiels que sont 14. ans d'age, fairsent serement q'ils seront suffisient & loyal a nous, & q'ils ne voient estre l'arons, ne assentant a l'arons, & q'ils soient professe de stre de ceo ou tiel doecine, & faire ou offer bayle de leur behavior p' ceux ou cels Deciners, exceptant Religious persons,

persons, Clerkes, Chivalers, & four saine Firs & Femmes. Vncore mesme le Authour en son 29. Chap. procheine al fine dit, Que toute al age de 12. ans & desuis, sont punissable pur nient venir al Tourne de Viscount, exceptant Countees, Prelates, Barons, Religious persons, & femes, *Stamf. Pl. Cor. fol. 37. hors de Fitzherbert ad ceux parols.*

Mesme le Ley est ou les Deciniers font presentment, Que un Laron est prise pur Larcenie, & deliuer al Viscount. Et *Kir. hors del Regist. & Brit.* issint dit, Religious persons, Clerkes, Chivalers, ou femes ne seront Decliners, *fol. 32. Hors de quel poyr estre collect,* Que cest parol n'ens auterment implice, mes tel que per son serment de loyaltie a son Prince, est settle en le Fraternite ou Societe d'un Dozeine, car nest vsual a cest iour de trouer surterie issint a faire: Et iames un dozeine semble aextender cy taunt come le Leete extendra, pur ceo que en Leets solemne cest serement est admitter p le Seneschal, & prise p tiels q sont d'age a douze ans, & desuis, recidant deins le compasse del Leete ou ils sont iurus, *Fitz. Nat. Br. 161. a.* Les particulars de cest serement poyrs lyer en *Bract lib 3. r. 2. c. 1. m. 1.* en ceux parols, *Quibus propositis* (c' l'en commission des iustices esteant lie, & le meisme de leur venue esteant monstre) *deben iusticia-ri se transferre in alium locum secretum, et vocalis ad se quatuor,*

persons, Clerkes, Knights, and their eldest sons and women. Yet the same Author in his 29. Chap. neere the end, saith, That all at the age of twelve years or above, are punishable for not coming to the Sherifes Tourne, excepting Carles, Prelates, Barons, Religious persons, and women, *Stamf. Pl. Cor. fol. 37. forth of Fitzherbert, hath these words:*

The same Law is, where the deciniers make presentment, that a felon is taken for theft, and delivered to the Sherife. And *Kir. out of the Register, and Brit.* saith thus, Religious persons, Clerks, Knights, or women, shall not be Decliners, *fol. 32.* From whence it may be gathered, that this word implieth nothing else but such a one as by his oath of loyalty to his Prince, is settled in the combination or society of a Dozeine, for it is not vsual at this day to sitte Surety to do so: And now a Dozeine seemeth to extend so farre as the Leet extends, because that in Leets onely this oath is administered by the Steward, & taken by such as are of the age of twelve years and upward; dwelling within the Precinct of the Leet where they are sworn, *Fitz. N.B. 161. a.* The particulars of this oath you may reade in *Bract lib. 3. tract. 2. c. 1. num. 1.* in these words, Which finished, (that is, the commission of the Justices being read and the cause of their meeting being shewed) the Justices ought to cōuey themselves in some private place, and calling unto them foure

or six, or more of the chiefe of the County, which are called *Buſones Comitatus*, at whose diſpoſe the Aſſiſions of others doe depend, and let the Juſtices diſcuſſe the matter amongſt them, and ſhew how that by their Lord the King, and his Council, it is provided, That all as well Knights as others, which are fifteen years old & above, ought to ſwear, That they ſhall not receive Outlawes, murderers, robbers, or burglars, nor ſhall conſent vnto them, nor their receivers, & if they know any ſuch, they ſhall attach them; and declare it to the ſherife and his Bayliſes; And if they ſhall heare any tid or cry of any ſuch, they ſhall therupon make preſent purſuit with their ſervants and family. And here Bracton putteth volūte ſittene years for the age of thoſe that are ſworne to the Kings peace, but lib. 3. traſt. 2. cap. 1. r. num 5. he nameth thowre yeares. See In-
laugh.

Forth of which premies may be obſerved the difference between the ancient and theſe our times in this point of Law and government, as well for the age of thoſe that are to be ſworne, as alſo that Deciner is not now uſed for the chiefe man of a Dozein, but for him that is ſworne to the Kings peace. And laſtly, that now there are not any Dozeins, but Leets, and that ordinarily no man giveth other ſecurity for keeping the Kings peace, but his ſworne oath, and therefore no one ſhall anſwer for the tranſgreſſion of another, but every one for himſelfe.

vel ſex, vel pluribus de maioribus de Comitatu qui dicuntur Buſones Comitatus, & ad quorum nutum dependent vota aliorum, & ſc inter ſe tractant, habrant Juſticiarii ad invicem & aſſidant qualiter à Domino Rege & eius Conſilio promiſſum ſit. Quod omnes tam milites quā alii qui ſunt quindecim annorum, & amplius, ſervare debent. Quod utlagator, homicidator, robbatores, & burglatores, non receptabant, nec eis conſentient; nec eorum receptatoribus, & ſi quis talis noverint, illos attachiare facient, & hoc vice comiti & ballivis ſuis monſtrabunt; Et ſi buceſſum vel clamorem de talibus audierint, ſtatim audito clamore, ſequantur cum familia & hominibus de terra ſua. Ecce Bracton mittit eius quindix ans pur le age de ceux que ſont jurus al peace le Roy, meſtib. 3. traſt. 2. cap. 1. r. num 5. il noſme douze ans. Veles Intaugh.

Hors de queup promies poys estre obſerve le diversite perentier le ancien & ceux de noſtre temps on cest paye de Ley & gouvernement, cy bien pur leage de ceux que ſont deſſe jurus, come auj q Deciner neſt ismes vie pur l'primer hoc d'un Dozeime, mes pur luy q est iure al peace le Roy. Et denierint q iammes la ne ſont aucun Dozeines, forſque Leets; & q nul homme comenent done auter ſecurite pur garder le peace le Roy, des ſon ſerent d'eneſne, & que par ceo nul reſponders pur loſſence d'un autre, meſ ch'c ſouper luy m.

The Exposition of

Declaration.

DDeclaration est vn monſtrance en eſcript, de le grieſe & complaint de le Demaundant ou plaignife enuers le Tenaunt ou Defendant, en que il ſuppoſe de auer receiue tort, & ceſt Declaration doit eſtre playne & certaine, pur ceo que il impeach le Defendant ou Tenant, & auxy chaſc celuy a reſponder. Mes nota, quz Declaration ſayt per le Demandant vers le Tenant en Action Real, eſt proprementappel vn Count.

Nota, Que le Counte ou Declaration doyt conteyne Demonſtration, Declaration, & Concluſion. Et en Demonſtration ſont conteynes troys choſes, (ceſt adire) que ſe pleynte, & enuers que, & de quel choſe, & en le Declaration doyt eſtre compriſe, comment, & en quel manner le cauſe del Action ſurdit entre les parties, & quant & quel iour, an, & lieu, & a que l'action ſerra done.

Et en percloſe, il doyt auerre & proffer de Prouer ſon Suite, & monſtra les Damages queux il ſuſteyne per le tort a luy ſayt.

Dedimus poteſtatem.

Dedimus poteſtate eſt vn briſſe, & giſt l'ou vn home ſua en le Court le Roy, ou eſt ſue, & ne puit bien tranſyler, donques

Declaration.

DDeclaration is a ſhewing in writing of the grieſe & complaint of the demandant or plaintife, againſt the tenant or defendant, wherein he ſuppoſeth to haue received wrong, and this declaration ought to be plain and certaine, both becauſe it impeacheth the defendant or tenant, and alſo compelleth him to make anſwer thereto. But note that ſuch declaration made by the Demandant againſt the Tenant, in an Action trail, is properly called a Count.

Note that the Count or Declaration ought to contayne Demonſtration, Declaration and Concluſion. And in Demonſtration are contained three things, (that is to ſay) who him complaineth, and againſt whom, and for what matter, and in the Declaration there ought to be compriſed, how and in what manner the Action roſe between the parties, and when, and what day, peare, and place, and to whom the action ſhall be giuen.

And in the concluſion, he ought to auerre and proffer to proue his Suit, and ſhem the Damage which hee hath ſuſtained by the wrong done vnto him.

Dedimus poteſtatem.

Dedimus poteſtatem is a writ, and it lieth where a man ſueth in the Kings Court, or is ſued, and may not well tranſell, then he ſhall

shall haue this writ directed to some Justice, or other discret person in the Countrey, to give to him power to admit some man for his Return, or to leuie a fine, or to take his confession, or his Instruct, or other Examination, as the matter requireth.

Defamation.

DEFAMATION is when a man speaketh scandalous words of any other man, Court of Justice, Magistracie or Title of Land: and hereupon the party shall bee punished according to the nature and quality of his offence: Sometimes in the Star Chamber, sometimes by Action vpon the Case for Slander, at the Common-law, and other times in the Ecclesiasticall Court. As if a man contriue any false newes, or horrible and false lies of Prelates, Dukes, Earles, &c. then an Action De Scandalis Magnatum will lye against him, by the Statute of 2. Rich. 2. cap. 5. and this being proued, the partie offending shall bee grievously punished. But for words of Defamation against a private man, there the party grieved shall haue his Action vpon the Case for the Slander, and shall recouer in Damages, according to the quality of the fault; wherein the qualitie of the person who is so defamed, is much to be considered.

But for defamations determinable in the Spirituall Court, they ought to haue three incidents:

il aucta cest Briefe direct a aucun Justice, ou autre discrete person en le payes, de doner a luy power pur admettre aucun pur son Attorney, ou de leuie Fine, ou de prendre son Confession, ou son Respons, ou autre Examination, come le matter require.

Defamation,

DEFAMATION est quant home parle scandalous parols de aucun autre home, Court de Justice, Magistracie, ou Title de Tesre; Et sur ceo le partie sera punie accordant al nature & qualite de son offence: Ascun foies en le Star Chamber, ascun foies per Action sur le Case, pur Slander, al Common Ley, & autres foies en le Court Christian. Come si home controuue aucun faux nouels, & horribles & faux Messingies de Prelates, Dukes, Countes, &c. donque vn Action De Scandalis Magnatum gilera vers luy, per le Statute de 2. Rich. 2. cap. 5. & ceo estant proue, le partie offendant sera griueusement punie. Mes pur parols de Defamation vers vn priuate home, la le partie griue auera son Action sur le Case, pur le Slander, & recouera en Damages, accordant al qualite del Peche, en que le qualite del person que est ilint defame est desfort considere.

Mes pur Defamations determinable en le court Christian, ils couient de auer trois incidents:

Primer,

The Exposition of

Primerment, couient concerne matter merement Spiritual, & determinable en le Ecclesiastical Court, come pur appeller luy Heritique, Schismaticque, Adou-
terer, Fornicator, &c. Secunderment, que il concerne matter merement Spiritual solement: Car si tiel Defamation concerne ou touche ascun chose determinable al Common Ley, le Ecclesiastical Iudge nauera conu-
sans de ceo: Come si vn Diuine est destre present a vn Benefice, & vn adfeater luy de ceo; dit al Patron, Que il est vn Her-
tique, ou vn Bastard; ou que il est excommunge, per que le Pa-
tron refuse a presenter luy, & il parde son preferment, il auera Action sur le Case, pur ceux Defamations, tendant a tiel fine. Auxy si feme soit obligé,
que il viuera continent, & chast, ou si leale soit fait a luy *Quamdiu casta uixerit*, en ceux cases incontinencie sera trye per
le Common Ley. Tiercement, coment que tiel Defamation soit merement Spiritual, & solement Spiritual, vncore cestuy
que est defame, ne poit suer la pur amendes, ou Damages, mes le suit coment estre solement
pur punissement del peche, *pro salute anime*, celi que Hinc of-
fend.

Et quant al slander d'un Tiele al Terre, si A. dit que B. ad droit en les Terres de C. per que C. est damiffé, donec il poic auer Action sur le Case, par le Defamation de son Tiele

First, it ought to concerne matter merely Spirituall, and determi-
nable in the Ecclesiastical Court as for calling him Heretique, Schismaticque, Adulterer, For-
nicator, &c. Secondly, that concerneth matter merely Spirituall only: for if such Defa-
mation concerne or touch any thing determinable at the Com-
mon Law, the Ecclesiastical Iudge shall not haue Conu-
thence of: As if a Diuine is to be presented to a Benefice, and on to defeat him thereof, saith vnto the Patron, that hee is an Heretike, or a Bastard, or that hee is excommunicated; whereby the Patron refuseth to present him, and he loseth his preferment, he shall haue an Action vpon the Case, for these defamations, tending to such an end. Also if a woman be bound that shee shall liue continent, and chaste, or if a Leas be made to her so long as she shall liue chaste, in these cases Incontinencie shall be tried by the Common Law. Thirdly, although that such Defamation be merely Spirituall, and only Spirituall yet he that is defamed, cannot sue there for amendes, or Damages but the suit ought to be onely for punishment of the fault, for the Soules health of him that so offendeth.

And as for the slander of a Tiele to Land, if A. saith that B. hath right in the Lands of C. whereby C. is damified, then hee may haue an Action vpon the Case for the Defamation of his Tiele again

plaint A. And although B. hath colourable Title, yet A. shall be admitted, forasmuch as hee hath taken upon him knowledge of the Law, and medled in a matter which concerned him not. But if man saith, that he himselfe hath right to the Land of another, in this case no Action for Defamation lyeth, although he knoweth his Title is false, Coke li. 4. fol. 18.

Defeasance.

Defeasance is a Condition relating to a Deed, as an Obligation, Recognisance, or Statute, which being performed by the obligor or recognisor, the act is disabled and made void as if it had never beene done. And there is no warrantie, recognisance, rent charge, annuities, covenant, lease for yeares, or such like: but that they may by a defeasance made with the mutuall consent of all those which were parties at the creation thereof, by deed be disabled, discharged, and defeated. And the difference betwene a proviso or condition in deed, and a defeasance is in this, That the proviso or condition is annexed or inserted in the deed or grant, where a defeasance is usually added by it selfe concluded and agreed on between the parties, and having relation to another deed or grant.

And therefore if the condition of an obligation be repugnant to the deed, the condition is void and the obligation good, as if the con-

vers A. Et nient obstant que B. ad vn colourable Title, vncore A. serra punie, entant que il ad imprise sur lui notice del Ley, & intromit en vn matter que ne lay pas concerna. Mes si home dit, que il mesme ad droit al Terre de vn autre, en cest case nul Action pur Defamation gist, nient obstant que il conuist que son Title est faux, Coke lib. 4. fol. 18.

Defeasance.

Defeasance est vn Condition que relate a vn Fait, come a vn Obligation, Recognisance, ou Statute, q̄ esteant performe par le obligor ou recognisor le act est disable & fait voyde si come si ne vnques pas ad estre fait. Et la est nul garrantie, recognisance, rent charge, annuities, covenant, lease pur ans, vse al Common ley, ou tiels semblables: mes que ils poyent per vn defeasance fait oue l' mutual consent de tous ceux q̄ fueront parties a le creation de eux per fait estre ad nul discharge & defeat. Et l' difference perenter vn proviso ou condition en fait, & vn defeasance est en ceo, Que le proviso ou condition est annexe ou encert en le fait ou grant, ou vn defeasance est vsualment vn fait p luy mesme conclude & agree perenter les parties, & ayant relation a vn autre fait & grant.

Et pur ceo si le condition de vn obligation soit repugnant al fait, le condition est voyd & le obligation bonie, come si le condition

The Exposition of

dition soit q'il ne suera obligati-
on, cec est voyde, auxibien come
est a vn feoffment sur condition
que le feoffee ne pndra my les
profits, mes vn defeasance est vn
grant q'est fait apres le obligati-
on pur defeater m le obligation,
& ceo e bone comt que il soit re-
pugnant, & illint nient semble a
vn condition, 21. Hen 7. fo. 24. b.
Pur le forme & maner de Defea-
sances accordant al diversitie
del case vies, *West. part. 1. Symb.
lib. 2. sect. 230, 231. &c.*

dition be that he shall not sue the
obligation, this is void as wel
as it is of a feoffment, upon con-
dition that the feoffee shall not
take the profits, but a defeasance
is a grant that is made after the
obligation, to defeat the same ob-
ligation, and this is good al-
though it be repugnant, and is
not like a condition, 21. H. 7. fo.
24. b. for the forme and maner
of Defeasances according to the
diversitie of the case, See *West
part. 1. Symb. l. 2. Sect. 230 231. &c.*

Defendant.

Defendant est celuy q'est sue e
action Personel, & est appel
Tenaunt en vn action Real.

Defendant.

Defendant is hee that is sued in
action Personall, and hee is
called Tenaunt in an action Real.

Defence.

Defence est cec que le Defen-
dant doit faire immediatement
apres le Count ou Declaration
fait cest adire, q'il defenda tout
le tort, force, & damage, lou &
quant il deuera, & donques de
proceed ouster a son plee, ou de
imparler.

Et nota, que entaunt que il
defend tort & force, il se ex-
cuse del tort vers luy surmise,
& fait le partie al plee, & per-
taunt que il defende les Dam-
mages, il affirme le partie
plaintife able deste respon-
due.

Defence.

Defence is that which the De-
fendant ought to make immu-
diately after the Count or Decla-
ration made, that is to say, That
he defendeth all the wrong, force
and damage, where and when he
ought, and then to proceed furthe
to his plee, or to imparle.

And note, that insonmuch tha
he defendeth the force and wrong
hee doth excuse himselfe of the
wrong against him surmised, and
maketh him party to the plee, and
insonmuch that hee defendeth the
damage, he affirmeth the party
plaintife able to bee answered
unto.

Et per le residue del de-
fence, il accept le power del
Court de Oyer & Determiner

And for the residue of the de-
fence, he accepts the power of the
Court to heare and determine
the

their pleas of this matter. For if he will plead to the Jurisdiction, he ought to omit in his defence these words (ou & quaut il deuera :) and if he will shew any disability in the plaintife, and demand iudgement if the party shew be answered vnto, then he ought to omit the defence of the damage.

Defendemus.

Defendemus is an ordinary word in a feoffment or donation, and hath this force, that it bindeth the donoz and his heires to defend the donee if any man goe about to lay any seruitude vpon the thing giuen, other than is contained in the donation, *Bracton, lib. 2. cap. 16. num. 10.* See also *Warrantizabimus.*

Deforceor.

Deforceor is hee that ouercometh and casteth out with force, and hee differeth from a disseisor, first in this, that a man may disseise another without force, which act is called simple Disseisin, *Britton, cap. 53.* then because a man may deforce another that neuer was in possession, as if many haue right to lands as common heires, and one keepeth them out, the Law saith, That hee deforceth them although that he neuer disseised them, *Old. Natur. Br. fol. 118.* If Tenant in taile maketh a feoffment in fee by which the feoffee is in, and afterwards the tenant in taile

les plees de cel matter. Car sil voile pleader al Jurisdiction, il doit omettre en son defence les parols (ou & quauts il deuera :) & sil voile monstre ascun disability en le plaintife, & demande iudgement si le partie serra respondue, donques il doit omitter le defence del damage.

Defendemus.

Defendemus est vn vsual parol en vn fessiment ou donation; & ad cest force, que il lia le donoz & ses heires a defender le donee si ascun home endeauoir de imposer ascun seruitude sur le chose donnee, auter que est contene en le donation, *Bracton, lib. 2. cap. 16. num. 10.* Vcies auxy *Warrantizabimus.*

Deforsour.

Deforsour est celuy que prouaile & iect hors oue force, & il differt d'un disseisor, primerment en ceo que home poit disseise vn auter sans force, quel act est appel simple disseisin, *Britt. cap. 33.* donque p ceo que hœ poit deforce vn aut que ne vnques fuit en possession, come si plusors ont droit al terres come common heires & vn tiennent eux hors, le ley dit, que il eux deforce nient obstant que il ne eux disseila pas, *Viel. Nat. B. fol. 118.* Si tenant en taile fait feoffement en fee p que le fessor est ens, & puis le tenant en taile

morust, & son issue suist bre de Formdon enuers le feoffee, le briefe dirra & auxy le count, &c. q̄ le feoffee a tort luy deforce, &c. cosit q̄ il ne luy disceisa, pur ceo que il enter en le vie le tenant en taile, & le heire ad nul present droit, *Littleton, fo. 138.* Et vn deforsor differt de vn intrudor, pur ceo que vn deforsor tient hors le droit heire come auantdit, & home est fait vn intrudor per son tortious entrie solement en terres ou tenements voide d'un possessor, *Bract. l. 4. cap. 1.*

Et pur ceo que force & forcible entrie en terres est cy opposite al peace & iustice del Royalleme, & dishonor del Roy & son Corone & le scandal de le Ley, que aucun person per nestre & serement devote al obedience del Roy & ses Leyes, presumera de son authoritie per force & fortmaine de resister eux ambideux per violent intrusion en le possession d'un aut deuant le Ley ad decider son tisle en ceo, pur ceo diuers Statutes ont estre faits p̄ le restraint & reformation de ceux abuses, come enter, auters le Statute de 5. R. 2. cap. 7. ou le Roy defend aucun entrie en terres ou tenements; mes en case ou entrie est done per le Ley, & donque nemy oue fort maine, ou oue multitude de gents, mes solement en vn peaceable maner. Veies plus de ceo in *Poulton de Pace Regis, fol. 34. 35. &c.*

dieth, and his issue saeth a writ of Formdon against the feoffee, the writs shall say, & also the count, &c. that the feoffee of wrong deforced him, &c. although he did not disseise him, because that he entered in the life of the tenant in taile, and the heire had no present right, *Littleton, fo. 138.* And a deforcor differeth from an intruder, because that a deforcor keeps out the right heire as aforesaid, and a man is made an intruder by a wrongfull entrie only in lands or tenements void of a possessor, *Bracton, lib. 4. cap. 1.*

And because that force and forcible entrie into lands is so opposite to the peace and iustice of the Realme, & the dishonor of the King and his Crowne, and discredit of the Law, that any person by birth and oath deuoted to the obedience of the King and his Lawes, should presume of his owne authority by force and strong hand to resist them both by violent intrusion into the possession of another, before the Law hath decided his Title therein, therefore diuers Statutes haue been made for the restraint and reformation of these abuses, as amongst others the Statute of 5. R. 2. c. 7. where the King defendeth any entry into lands or tenements; but in case where entry is given by the Law, and then not with strong hand, or with a multitude of people, but only in a peaceable manner. See more of this in *Poulton de Pace Regis, fol. 34. 35. &c.*

Demaundant.

Demaundant is he that sueth or complaineth in an action Real for title of land, and hee is called plaintife in an Wille, and in an action personal, as in an action of debt, trespass, deceit, detinue, & such like.

Demeines.

Demeines, or Demesnes, generally speaking according to the Law, be all the parts of any Manor which be not in the hands of freeholders of estate of inheritance, though they be occupied by Copyholders, Lessees for yeeres or for life, as well as tenant at will. And the reason why Copyhold is accounted Demesnes, is because that they which be tenants unto it are adiudged in Law to haue no other Estate but at the will of the Lord, so that it is still reputed to be in a manner in the Lords hands; and yet in common speech that is ordinarily called Demesnes, which is neither free nor copy. And this word Demesnes is sometimes used in a more speciall signification, and is opposite to Frank-fee, as those Lands which were in the possession of Edward the Confessor, are called ancient Demesne, and all others are called Frank-fee. Kitchen, fol. 98. and the tenants which hold any of these Lands are called Tenants in ancient Demesne, the other, Tenants in Frank-fee. And no common person hath any Demesne in the simple

Demandant.

Demandant est celuy que sue ou complainte en action Real par Title de terre, & il est appel plaintife en vn Assise, & en vn action de det, trās, deceit, detinue, & tiels semblables.

Demeines.

Demeines, ou Demesnes, generalment a parler selonque le Ley, sont tous les parts de asc' Manor q' ne sont en mains del Freeholders d' estate de inheritance, comt soyent occuper per tēst p Copie de Court Rol' Lessees pur ans, ou pur vie, cy-bien come tēst a volunt. Et le reason q' Copiehold est account Demesne, est pur ceo q' ils q' sont tēsts a coo, sont adiudge en Ley dauer nul aut estat fors q' al volunt del Seignior, isint que il est iammes repare deſtre en vn maner en les mains le Seignior; & vncor en comū place il est vsualmēt appelle Demesne, que nest ou free ou copie. Et cest parol Demesne est asc' foyt vsā ē vn plus special signification, & est opposite al Frank-fee, si comt ceuz fies q'x fueront en le possession d' Edou. le Confessor, sont appel ancient Demesne, & tous auts sont appel frank-fee, Kitchen, fol. 98. Et les tēsts q' tiens asc' d' ceuz fies, sont appel tēsts en ancient Demesne, les auts, tēsts en frank-fee. Et nul comū pson ad asc' demesne en le simple

prisance del prol, p̄ ceo que la nest ascun tre, mes que il depend mediatm̄t ou immediatm̄t del Corone, ceo est, de ascū honor ou aūt, appertient al Corone, & nēy graunts en fee al ascun inferiour person, & pur ceo quāt vn hōme en pledant voile enferre son terre destre son demesne, il dit, Que il est ou fuit seise de ceo en son demesne come de fee, *Littleton fol. 3.* per que appiert, que nient obstant son terre soyt a luy & ses heires a tous iours, vncore il nest voier demesne, mes dependant sur vn Seignior paramount, & tiendrāt per seruice ou rent, en lieu de seruice, ou per seruice & rent ensemble.

Demaines solonque le common parlance, sont solement entend le principal mannour place del Seignior, que il & ses Ancestors ont ewe de tēps hors de memorie, en lour maines demesne, & ont occupie ceo, ensemble oue tous edifies & measons quecunque : Et auxy les prees, pastures, boys, tres eyrable, & tiels semblables oue ceo occupie.

Demaund.

D*E*maund est vocabulū Artis, & si vn releas a vn aūt tous demaunds, ceo est (come *Littleton fol. 117. a.* dit.) le plus meliour releas a luy, a que le release est fair, q̄ il poet auera & pluys vrera a son aduantage, car p̄ ceo non solement tous demaunds, mes auxy tous causes de de-

acceptation of the sword, because there is no land but that it dependeth mediately or immediately of the Crowne, that is, of some honour or other belonging to the Crowne, and not granted in fee to any inferiour person, and therefore when a man in pleading will assigne his land to bee his owne, hee saith, That hee is or was seised thereof in his demesne as of fee, *Littleton fol. 3.* whereby it appeareth, that although his land bee to him and his heires for ever, yet it is not true demesne, but depending vpon a superiour Lord, and holding by seruice or rent, in lieu of seruice, or by seruice and rent together.

Demaines according to the common speech, bee onely vnderstood the Lords chiefe mannour place, which he and his Ancestors haue from time out of mind kept in their owne hands, and haue occupied the same, together with all buildings and houses whatsoener : Also the meadowes, pastures, woods, eyrable lands, and such like therewith occupied.

Demaund.

D*E*maund is a sword of Art, and if one release to another all demaunds, this is (as *Littleton fol. 117. a.* saith) the best release to him to whom the release is made, that hee can haue, and shall most enure to his aduantage, for by it not onely all demaunds, but also all causes of de-

maunds are released. And there are two manner of demaunds, that is to say, in deed and in Law: In deed, as in every *Præcipe* there is expresse demand, and therefore in *Real* Actions hee is called Demaundant, in personall, *Plaintife*: In Law, as every *Entrie* in Land, *Distresse* for Rent, taking of seisure of Goods, and such like Acts in the Country, which may be done without any words are demaunds in Law: As a release of Sutes is more large than a release of Quarrells or of Actions: So a release of demaunds is more large and beneficiall than either of them, for by it is released all that which by the others are released, and more. By release of all Demaunds, all *Freeholds* and *Inheritances* executorie are released: By release of all Demaunds to the *Disseisor*, the right of *Entry* in the land, and all that is contained therein, is released: By release of all Demaunds, all *Executions* are released: and hee that releaseth all Demaunds, excludeth himselfe from all Actions, *Entries*, and *Seisures*. And *Littleton* fo. 170. holdeth, That if Tenant in talle enfeofeth his Uncle, who enfeofeth another in fee with *Warrantie*, if after the feoffee by his deed releaseth to his Uncle all manner of demaunds by such release, the *Warrantie*, which is a *Covenant* real & executory, is extinct: & the reason of all this is, because that by release of demaunds, all the means & remedies,

maunds sont release. Et sont deux manners de demaunds, cestascavoir, en fait & en Ley: En fait, come en chescun *Præcipe* la est expresse demaund, & pur ceo en *Real* Actions il est appelle Demaundant, en personal, *Plaintife*: En Ley, come chescun *Entrie* en Terre, *Distresse* pur Rent, prise ou seisure des Biens, & semblable Acts en Pays, que poient estre fait sauns aucun prols sont demaunds en Ley: Sicomme release d Sutes est plus large que release des Querels, ou de Actions: Il finit release des demaunds est plus large & beneficial que ast de eux, car per ceo est release tout ceo que per les auters sont release, & pluis. Per release de tous Demaunds, tous *Franktenements* & *Enheritances* executorie sont release: Per release de tous Demaunds al *Disseisor*, le droit de *Entrie* en le tre, & tout que est cõtine deins ceo, est release: Per releas d tous d mands, tous *Executions* sont releas: & cestuy q releas tous Demands, exclu d luy m de tous Actions, *Entries*, & *Seisures*. Et *Littleton* fo. 170. teygne, Qui si Tenant e talle enfeofe son Vncle, le quel enfeofe vn aut en fee oue garrantie, si apres le feoffee per son fait releffa a son Vncle tous manns de demaunds, per tiel release, le garrantie, que est *Covenant* real & executorie, est extinct: & le reason d tout ceo est, pur ceo q per releas des d mands, tous les meanes & remedies,

& les causes de eux, que ascū ad al' fies, tenements, bñs, chatels, &c. sont extinct, & p consequence, le droit & interest mesme al chose: vacore releas d' tous demands ne extend a tiels Briefes, p' queux riens est demand, neq; en fait, neq; en Ley, mes g'isont seulement a relievier le Plaintife per voy de discharge, & nemy p voy d' demand, cōe releas d' tout demaunds nest barre en brieve de Error, de reuerfer vn Vt-lagarie, & issint des semblables. Veies 18. Edw. 3. 59. Coke lib. 8. fol. 153. 154.

Demy sanke, ou sangue.

D*emy sank* est quānt vn hōc marie vn feme, & ad issue p luy vn firz ou file, & le feme morust, & doncs il prist vn aut feme, & ad per luy auxy vn firz ou file: Ore ceux firz sont solongue vn maner freres, ou cōe ils sont appellez demy freres, ou freres del demy sanke, cest adire, frere per le part de pier, pur ceo que ils ont ambideux vn pier, & sont ambideux de son sangue, & nemy freres per le part le mere, ne de ascun sanke ou kinne cest voy, & pur ceo l' un de eux ne poert este heire al auter, car il que voile claime come heire, al an per discent, doyt este d' entiere sanke a luy de que il claime. En mesme le maner est, si feme eyte diuers issues per diuers barons, qui frates vterini dicuntur,

and their causes, which any hath to lands, tenements, goods, chattels, &c. are extinct, and by consequence, the right and interest it self unto the thing: yet a release of all demands doth not extend to such writs, by which nothing is demanded neither in deed nor in Law, but is only to relieve the plaintiff by way of discharge, and not by way of demand, as a release of all demands is no barre in a writ of Error to reverse an Outlawry, and so of such like. See 18. Edwar. 3. 59. Coke lib. 8. fol. 153. 154.

Halfe bloud.

H*alfe bloud* is when a man marryeth a wiffe, and hath issue by her a sonne or daughter, and the wiffe dyeth, and then he taketh another woman, and hath by her also a son or daughter: Now these two sons are after a sort brothers, or as they are termed, halfe brothers, or brothers of the halfe bloud, that is to say, brother by the fathers side, because they had both one father, and are both of his bloud, and not brothers at all by the mothers side, nor of bloud, ne kinne that way, and therefore the one of them cannot be heire to other, for he that will claime as heire to one by discent, must be of whole bloud to him from whom he claimeth. In the same manner it is, if a woman haue diuers issues by diuers husbands, who are called brothers by one mother.

Demurrer.

Demurrer is when any action is brought, and the Defendant pleadeth a plea, to which the Plaintiffe answereth, That hee will not answer, for that it is not a sufficient plea in the Law, and the Defendant saith to the contrary, That it is a sufficient plea, and thereupon both parties doe submit the cause to the iudgement of the Court, then that is called a Demurrer, for that they goe not forwarder in pleading, but abide upon the iudgement of that point, and is said in the Latine used in the Records, *Moratur in Lege.*

For in every Action the difference consisteth either in deed or in Law; if in fact, it is tried by the Jurie, if in Law, then the matter is either plaine, or difficult and rare; if it be plaine, then iudgement is presently given: but when its hard and doubtful, then is stay made, and time taken either to consider further thereupon by the Judges, to agree if they can, or otherwise for all the Iustices to meet together in the Exchequer Chamber, and upon hearing of that which the Serjeants shall say upon both parts, to advise and determine what is Law, and that which is there concluded on by them shall stand firme without further remedy.

Denelage.

Denelage is the Law that the Danes made here in Eng-

Demurrer.

Demurrer est quædam actio on est port, & le Defendant plead vn plea, a que le Plaintiffe dit, Que ne voile respondre, pur ceo que il n'est sufficient plea en Ley, & le Defendaunt dit al contraire, Que il est sufficient plea, & sur ceo ambideux mitteront le cause al iudgement del Court, donques ceo en appel vn Demurrer, pur ceo que ils ne vont ouster en pleading, mes demurer sur le iudgement de cel poynt, & dicitur en Latine use les Records, *Moratur in Lege.*

Car en chescun Action le difference consist ou en fait, ou en Ley; si en fait, il est trie per le Pais, si en Ley, donque le matter est ou facile, ou dure & rare; si il soit facile, donque iudgement est immediatement done: mes qant il est dure & en avruist, donq; la est demurr fait, & temps prise ou d consider ouster sur ceo per les Iudges, d agreer si ils poyent, ou autrement per tous les Iustic' d venter ensemble en le Excheqr Chamber, & sur oyer de ceo que les Serjeants dieront de ambideux ptes, de adviser & determiner que est Ley, & ceo que est la conclude per eux, estoiera firme, sans auter remedie.

Denelage.

Denelage est le Ley que les Danes fesoient icy en Anglo-

terre, hors de q̄ & Merchenlage & Westsaxonlage. Gulielme le Conqueror compose certēne ordinances destre obserues per ses subiects.

land, out of which and Merchenlage and Westsaxonlage William the Conquerour composed certain ordinances to be obserued by his subiects.

Denizen.

Denizen.

Denizen, ou Donaison, est lou Alien nee, deuient le subiect le Roy, & obtaine le Lettres patens le Roy, pur inioy tous priuiledges, come vn home Anglois, mes si vn soit fait denizen, il payer customes, & diuers aus choses cōe Alien, come appiert p diuers Statutes de ceo fait.

Il semble que Donaison est le voyer. noīme issint appel p ceo que son legitimacion est done a luy, & nemy Denizen, cōe d̄riue de *Deins nee*. Et le Ley est cy precise en le fealsans de Donaisons que le Roy ne poyt graunt al asc' au a faire de Aliens nee, Donaisons, il est per la Ley cy inseparablem̄t, & indiuidualm̄t annex a son Royal person, car le Ley esteem c' vn hault prerogative, a faire Aliens nee, subiects del Royalm̄, & capable d̄ terres & enheritances de Anglitterre, ē semblable mañ come alcun natural subiect nee est.

Et pur ceo l' estatute de 27. H. 8. cap. 24. que reunite plusors del pluis auintient Prerogatives & Regal flowers del corone a ceo, vncō il ne pas mention asc' autoritie de faire lers de Donaison destre resume, pur ceo que alcun ne vñque ceo claime pas per asc' pretext quecunque,

Denizen, or Donaison, is where an Alien hath becommeth the Kings subiect, and obtaineth the Kings Letters patents for to enjoy all priuiledges as an Englishman, but if one be made denizen, he shal pay customes and diuers other things as aliens, as it appeareth by diuers Statutes thereof made.

It seemes that Donaison is the true name, so called because that his legitimacion is giuen to him, and not Denizen, as deriued from *Deins nee*. And the Law is so precise in the making of Denizens, that the King cannot graunt to any other to make of Aliens borne, Denizens, it is by the Law so inseparably and indiuidually annexed to his royall person, for the Law esteemeth it an high prerogative, to make Aliens borne, subiects of the Realme, and capable of lands and inheritances of England, in such sort as any naturall borne subiect is.

And therefore the Statute of 27. H. 8. ca. 24. which reunith many of the most ancient prerogatives and Regal flowers of the Crowne thereunto, yet it maketh no mention of any authority to make letters of Donisation to be resumed, for that neuer any claimed it by any pretext whatsoever,

It being a matter of so high a point
of Prerogative. See Coke lib.7.
Caluins case.

il esteant vn chose de cy hault
point de Prerogative. Veies Co.
lib.7. Caluins case.

Deodand.

Deodand.

Deodand is when any man by
misfortune is slain by a horse,
or by a cart, or by any other thing
that moueth in further the death,
then the thing that is cause of his
death, and which at the time of his
misfortune did moue, shall be for-
feited to the King, and that is called
Deodand and that pertaines to the
Kings Almoner, for to dispose in
almes and deeds of charity.

But it is not forfeited vntill the
matter be found of record, & there-
fore they cannot be claimed by pre-
scription, and the Jury that find-
eth or presenteth the death by such
misadventure, ought also to find &
appraise the Deodand, Co.l.5.f.110.

If an horse striketh one, and
afterwards the owner selleth the
horse, and then the party that was
stricken dieth of the stroke, in this
case the horse shall be forfeited as
a Deodand; notwithstanding the
sale, for relation shall be had to the
stroke which was before the sale,
Plow.Com.fol.260.b.

Omnia quæ mouent ad mortem,
sunt Deodanda.

Departant from a plee
or matter.

Departure de son plee
ou matter.

Departure from a plee or matter,
is where a man pleadeth a plee
in bar, & the plaintife replieth there-
to, and hee after in his reioynder

Deodand est quaut asic' hōe
p misfortune est occid' per
vn chiuall, ou p vn charret, ou p
auē chose que mouant en aydant
de mort, donqs cel chose que est
le cause de son mort, & que al
temps de la misfortune moua,
serra forseine al Roy, & ceo est
appel Deodand. & ceo perteine
al Almoner le Roy, pur disposer
en almes & ouer de charitie.

Mes il nest forfeit. tanque le
chose soit troue d record, & pur
ceo ils ne poyent estī clame per
prescription, & l' Iurie que troue
ou present le mort per tiel mis-
adventure, doivent auxy troue &
apprise le Deodand, Co.l.5.f.110.

Si vn chiuall percuist vn home,
& puis le owner vend le chiuall,
& donque le partie que fuit per-
cussē moruēt del stroke, en c'
case le chiuall serī forfeit come
Deodand, niēt obstant le venditi-
on, car relation serra al serue q'
fuit paramount le vendition,
Plow.Com.fol.260.b.

What moues to death or kild the dead,
Is Deodand and forfeited.

Departure de son plee ou mat-
ter, est lou vn hōe plede vn
plee en bar, & le plaintife reply
a ceo, & il apres ē son reioynder
plead

The Exposition of

plead ou monstre auter matter, contraire ou nient pursuant a son primer plee en bar, ceo est appel vn departure de son barre, come si home pleda vn general agreement en barre, & en le reioynder il alleage vn especial agreement, ceo sera adiudge vn departure en pleading; issint en Trespasse si le Defendaunt voile pleader discent a luy, & l'plaintife dit, que puis ceo le Defendaunt infeoffe luy, & le Defendaunt dit, que ceo feoffement fuit sur condition pur l' enfriend d' q'il enter, ceo est departure d'l barre, car est nouel chose. Veies *Plow.Com fo. 7. & 8.*

Departure en spite del Court.

DEparture en spite del Court, est quant l' Tenant ou Defendaunt appeare al Action port enuers luy, & ad iour ouster en meisme le Terme, ou est demand apres, coment nul iour soit en meisme le Terme, si ne appeare mes fait default, cest un departure en despit de Court, & pur ceo il sera condemné.

Et est destre obserue que departure en despit del Court est tous foits del part del Tenant ou Defendaunt; & le entry de ceo est, *Quod predictus A. licet solenniter exactus non reuenit, sed in contemptum curie recessit & defaultem fecit*; & ceo est quant en iudgement del Ley il est present en Court, & esto-

pleadeth or sheweth another matter, contrary or not pursuing to his first plea, that is called a Departure from his barre, as if a man pleadeth a generall agreement in barre, and in the reioynder hee alledgeth an especial agreement, this shall bee adiudged a departure in pleading; so in Trespasse, if the Defendant will plead a discent to him, and the Plaintiffe saith, that after this the Defendant enfeoffed him, and the Defendant saith, that this feoffment was upon condition for the breach whereof he entered, this is a departure from the barre, for it is a new matter. *See Plow. Com. fol. 7. & 8.*

Departure in despit of the Court.

DEparture in despit of the Court, is when the Tenant or Defendant appeareth to the action brought against him, & hath a day ouer in the same Term or is called after, though he had no day giuen him, so that it be in the same term, if he do not appeare but make default, it is a departure in despit of the Court, and therefore he shall be condemned.

And it is to bee obserued that departure in despit of the Court, is alwaies of the part of the Tenant or Defendant, and the entry thereof is, *Quod predictus A. licet solenniter exactus non reuenit, sed in contemptum curie recessit & defaultem fecit*; and this is taken in iudgement of the Law he is present in Court, & being

ing demanded, departeth in des-
pight of the Court, this amount-
eth to a barr in respect of the de-
spight and contempt to the Court.
See Coke lib. 8. fol. 62.

ant demand, depart en despight
del Court, ceo amount a vn
barre en respect del despight &
contempt al Court. Veies Coke
lib. 8 fol. 62.

Deprivation.

Deprivation.

DEprivation is when an Abbot,
Bishop, Parson, Vicar, Pre-
bend, &c. is deprived or depose
from his preferment for any mat-
ter in fact or in Law. As if a
Miscreant or Schismaticke bee
presented, admitted, and inducted,
there is good cause of Depriva-
tion: So if a mere Lay man bee
presented, admitted, instituted, and
inducted, yet hee shall be deprived:
So if the Incumbent hath plu-
rality of Benefices: So if he hath
not subscribed to the Articles of
Religion, according to the Statute
of 13 Eliz. cap. 12.

DEprivation est qnt vn Abbe,
Euesque, Parson, Vicar, Pre-
bend, &c. est deprivé ou depose
de son preferment pur aucun
chose en fait ou en Ley. Cde si
vn Miscreant ou Schismaticq soit
present, admit, & induct, la est
bonne cause de Deprivation: Il-
linc si merus Laicus soit pre-
sent, admit, institute, & induct,
vncore il sera deprivé: Illinc
si le Incumbent ad pluralite
des Benefices: Illinc si ne sub-
scribe a les Articles de Reli-
gion, selonque l'estatute de
13. Eliz. cap. 12.

And by the Statute of 21. H. 8.
cap. 12. it is enacted that if any
person having a Benefice with
cure of soules of the pertly value
of eight pounds, or more, accepteth
or taketh any other with cure of
soules, and bee instituted and in-
ducted into the possession thereof,
that hereupon the first Benefice
shall be void, and the Incumbent
in this case is seized or deprived
by session: And in the case aforesaid
the Bishop needeth not to
give notice to the patron, be-
cause that the Deprivation is by
Act of Parliament, to which en-
tie one is party, and ought to take
notice at his peril; but otherwise
it is: if the first Church bee not

Et per l'estatute de 21. H. 8.
cap. 12. est enact, que si alcun
person ayant vn Benefice oue
cura animarum del anual value
de huit liús, ou ouster, accepta
ou prendra alcun autre oue cure
des almes, & soit institute, & in-
duct e le possession de ceo, q sur
c' l' prim Benefice sera voida,
& le Encumbent en c' case est
ouste ou deprivé per session:
Et en le case auandit, ne be-
soigne al Euesque a doner no-
tice al Patron, pur ceo que
le Deprivation est per Act
de Parliament, a que chef-
cun est partie, & doit prendes
notice a son peril; mes autrement
est si le primer Eglise ne soit de

The Exposition of

de annuel value de huit liuers, car donq; ceo est void merement per l' Ecclesiastical Ley, dont le Patron ne besoigne apprender notice a son peril. Veies *Coke, lib. 4. fol. 76. & lib. 7. 43. b.*

of the yearly value of eight pounds, for then it is void merely by the Ecclesiastical Law, whereof the Patron need not to take notice at his peril. See *Coke, lib. 4. fol. 76. and lib. 7. 43. b.*

Deputie.

DEputie est celuy que occupia en autre droit, soit ceo Office ou ascun autre chose, & son forfaiture ou misdemeanor causera l' officer ou celuy quel Deputie il est, de perdre son Office ou chose. Mes vn ne poit fayre son Deputie en tous cases, nisi le graunt soit issint: sicome il soit. oue ceux ou tiels semblables parolx, *Exercendo per se, vel sufficientem deputatum suum*, ou si les parolx va ouster, *Per se vel deputatum suum, aut deputatum deputati*, donq; il poit faire vn deputie, & son deputie, auxy poit faire vn deputie antersnt nemy: Cœ si le office de Parkerhip soit grant a vn, il ne poit granta ceo ouster a vn aut, pur ceo que est office de trust & confidence, & ne serra forfait: Et la est grand diuersite in deputy & assignee d'un Office, car vn assignee est person que ad estate ou interest en le Office mesme, & fait tous choses en son noime demesne, pur que son grantor ne respondera si non que soit en especial cases, mes vn deputie nad ascun estate ou interest en l' Office, mes est forsque l' vmbre del officer & fait tous choses en le noime

Deputie.

DEputie is hee that occupieth in another mans right, whether it bee Office or any other thing else, and his forfeiture or misdemeanor shall cause the officer, or him whose Deputy he is, to lose his Office or thing. But a man cannot make his Deputy in all cases, except the graunt so bee: as if it be with these or such like words, *To exercise or use by himselfe or his sufficient Deputy, or if the words goe further, To himselfe or his Deputy, or the Deputy of his Deputy*, then hee may make a Deputy, and his Deputy also may make a Deputy, or else not: As if the Office of a Parkerhip be graunted to one, hee cannot graunt this ouer to another, because it is an office of trust and confidence, and shall not bee forfeited: And there is great diuersity betweene deputy and assignee of an office, for an assignee is a person that hath an estate or interest in the Office it self, and doth all things in his own name, for whom his grantor shall not answer, vniess it be in especiall cases, but a Deputy hath not any estate or interest in the Office, but is only the shadow of the Officer, and doth all things in the name

of the officer himselfe, and nothing in his owne name, and for which his grantor shall answer: and where an Officer hath power to make assignes, hee may implicitly make Deputies, for Hee that may doe more, it ought not to bee held vnlawfull to him to doe lesse, and therefore when an office is granted to one and to his heires, by this he may make assignes, and by consequence hee may make Deputies. The King by his Letters Patents committeth to the Sheriffe the custody of the County, without expresse words of making Deputy, and yet hee may make an vnder-sheriffe, viz. his Deputy: So where before the statute of *Quia emptores terrarum*, the King or other Lord had given lands to a Knight, to hold of him by Knights service, that is, to go with his Lord when the King maketh a voyage Royall to subdue his enemies for 40. daies well and conveniently arrayed for the warre, yet he may find another able person, howbeit in the one case it concerneth the publique administration and execution of Justice in time of peace, and in the other, the publique defence of the Realme in time of warre. See Coke lib. 9. Le Countee de Salops case.

Dereyne.

Dereyne is taken in diuers sorts, and seemeth to come from the French word *Disarroyer*, that is, to confound or put out of order, or else of the Norman

del officer m, & rien en son noime demesne, & pur que son grantor respondera: & quant vn Officer ad power a faire assignes, il poit implice faire Deputies, car *Cui licet quod maius est, non debet quod minus est non licere*, & pur ceo quant office est graunt a vn & a ses heires, per ceo il poit faire assignes, & per consequence il poit faire Deputies. Le Roy per ses Letters Patents commit al Viscount *Custodiam Comitatus*, fauns expresse parols de faire Deputie, & vncore il poit faire vn South-Viscount, cest a cauoir son Deputie: Issint quant deuant le statute de *Quia emptores terrarum*, le Roy ou auter Seignior ad done terres a vn Chivaler, a tener de luy per Service de Chivaler, cest adire, daler oue son Seignior quant le Roy fait Voyage Royal a subduer ses enemies, pur 40. iours bien & couenablement array pur le guerre, ore il poit trouer autre able person, vncore en l'un case il concerna le publique administration & execution del Justice en temps de peace, & e l'aut le publique defence del Royalm en temps de guerre. Veies Coke lib. 4. Le Countee de Salops case.

Dereyne.

Dereyne est prise e dius maners, & semble a venir del parol Franceos *Disarroyer*, ceo est, confoundere ou mit hors d' order, ou autrement del Norman

parol *Desrene*, que est le denial del proper fait d'un hōe, & *Lex deraisnia* fust le prooffe d'un chose que vn denia destre fait per luy mesme, que son aduersarie affirme destre fait, desceant & confoundant le assertion de son aduersarie, & montrant ces destre faus & enuers reason ou probabilitie que est auouch: Et en nostre Ley il est variousement vse, primerment generalm̄ de prouer, cōe, *Dirationabit in suum heres propinquior*, *Glanuile l. 2. c. 6.* & il *li. 4. ca. 6.* dit, *habeo probos homines qui hoc viderunt & audierunt, & parati sunt hoc dirationare.* En mesme le manner *Bracton* ceo vse en ceux parols, *habeo sufficientē disratiocinationem & probationem.* Per l'estatute de 31. H. 8. c. 1. *Tenements & Tenants in Common*, aueront ayde al intent deraigner l'garrantie paramount. *Istint Ploud. in Manxels case fol. 7. b.* ad cest case, si home ad estat en fee oue garrantie, & incoiffe estranger oue garrantie & morust, & le scoiffe vouch son heire, le heire deraignera le primer garrantie. Auxy cest parol est vse quant religious-homes waini leur orders & professions, cōe en *Kitch. fo. 152. b.* si hōe fait leas pur vie sur condition, que si le lessor demie sans issue, que donques le lessor auctra fee, le lessor entor en religion, & puis le lessor deuy sans issue, & puis l'lessor est deraigne il n'aura fee entant que al tēps del condition le fee se poit vestir en luy.

Sword Desrene, which is the denial of a mans owne ad, and *Lex deraisnia* was the prooffe of a thing which one denieth to be done by himselfe. which his aduersarie affirmeth to bee done, descending and confounding the assertion of his aduersary, and shewing it to bee without and against reason or probabilitie which bee auoucheth: And in our Law it is diversly vse, first generally to proue, as, *Dirationabit ius suum heres propinquior*, *Glanuile lib. 2. cap. 6.* and hee, *lib. 4. ca. 6.* saith, *habeo probos homines qui viderunt & audierunt, & parati sunt hoc dirationare.* In the same manner *Bracton* useth it in these words, *habeo sufficientem disratiocinationem & probationem.* By the Statute of 31. Hen. 8. cap. 1. *Tenements and Tenants in Common* shall haue aide to the intent to deraigne the Garrantie paramount. *Ho Ploud. in Manxels case fol. 7. b.* hath this case, if a man hath an estate in fee with warrant, and enfeofeth a stranger with warrant & death, and the scoiffe voucheth his heire, the heire shall deraigne the first warrantie. Also this word is vse when religious men forsake their orders and professions, as in *Kitch. fol. 152. b.* if a man maketh a lease for life upon condition, that if the lessor dieth without issue, then the lessee shall haue fee, the lessee enters in religion, and then the lessor dieth without issue, & after the lessee is deraigned he shall not haue fee, inasmuch as at the time of the condition the fee cannot vest in him. Debe.

Debt.

Det.

DEbt is a wytt, and it lyeth
where any summe of money is
due to a man by reason of ac-
count, bargaine, contract, obliga-
tion, or other especialty to bee paid
at a certayne day, at which day hee
payeth not, then hee shall haue this
wytt. But if any summe of money
bee due to any Lord by his Ce-
nant for any rent seruice, the
Lord shall neuer haue action of
Debt for that, but it behoueth him
alway to distraine for it. Also for
rent charge or rent secke, which
any man hath for life, in taile, or
in fee, he shall not haue any action
of Debt as long as the rent con-
tinueth, but his executors may
haue an action of Debt for the ar-
rerages of any of the said rents
due in the life of their testator by
the Statute 32.H.8. cap. 37.

But for the arrerages of rent
reserued vpon a Lease for terme
of yeeres, the lessor is at his e-
lection to haue an action of Debt,
or for to distraine: but if the lease
bee determined, then hee shall not
distraine after for that rent: but
he must haue an action of Debt for
the arrerages.

And note, That by the Law
of the Realme Debt is ouely ta-
ken to arise vpon some contract
or penaltie imposed vpon some
Statute or paine, and not by other
offences, as in the Ciuill law, *De-
bitum ex delicto*.

If a man enter into a Tauerne
to drinke, and when he hath drunke,

Det est vn Brieft, & gift lou
ascun summe d' argent est
due a vn per reason de accompt,
bargaine, contract, obligac', ou
aut especialtie, a estre pay a asc'
certaine iour, a ql iour il ne paiz
pas, donques il auer cest Brieft.
Mes si ascun summe d' argent
soit due a ascun Seignior per son
Teñt, pur ascun rent seruice, le
Seignior ne vnq's aua action de
Det pur ceo, mes il couient
touts foits distreine pur ceo.
Auxy pur rent charge ou rent
secke, quel home ad pur terme d'
son vie, en taile, ou en fee, il na-
uera action de Det cy longe cõe
le rēt endure, mes ses executors
poyent auer vn action de Det
pur les arrerages d' asc' des dite
rents due en le vie lour testator,
per l' estatute 32.H.8. ca. 37.

Mes pur les arrerages de rent
reserue sur vn Lease pur terme
de ans, le lessor est a son electi-
on de auer action de Dette, ou
pur distreiner: mes si le leas
soit determinē, donques il ne di-
streinerā apres pur cel rent: mes
couient luy d'auer vn action de
Det pur les arrerages.

Et nota, Que per le Ley del
Realme Det est solement prise
desutder sur ascun contract ou
penaltie impose per ascun Sta-
tute ou paine, & nemy p' aurer
offences, come en le Ciuile ley,
Debitum ex delicto.

Si home enter Tauerne a
boyer, & quant il ad boye

il d'ala & ne voet pay le Tauer-
ner, le Tauerner n'auera action
de Trespasse vers luy, pur son
entrie, mes auera action d' Debt
pur le Vine.

Si Ieo deliuer drape a vn Tai-
lor d'auer vn toge fayt, si le
price ne soyt agreee e certaine d'a-
uant, comebyen Ieo payera pur
le feafance, il n'auera action de
Debt vers moy, cestascavoir, vn
general action de Debt, mes en
tiel case le Taylor auera special
action de Debt, & countera
specialment, & il serra mis al
Iurie, quauant il deserue.

Mes si vn Taylor fayt vn Bill,
& il mesme rate le feafance &
les necessaries a ceo, il n'auera
action de Debt pur ses values
demefne, si non que suit issint e-
specialmēt agree, mes en tiel case
il poit deteyner le garment ranq
il soyt satisfie, come vn Hostler
poit le chival de son guest, pur
viands per luy prise, *Co l. 8. 147.*

*Deuastauerunt bona
Testatoris.*

Deuastauerunt bona Testato-
ris, est quant les executors
voile deliuer les Legacies q' leur
Testat' ad done, ou faire restitu-
tion pur torts faits per luy, ou
pay ses debts due sur contracts,
ou aufs debts due sur specialties,
q' iours de payment ne sont vn-
core venus, &c. Et ne gard suffi-
cient e leur maines pur dischar-
ger ceux debts sur recordes ou
specialties, q' ils sont compella-
ble primerment per le Ley d' satis-

he goeth away and will not pay the
Tauerner, the Tauerner shall not
haue an action of trespasse against
him for his entrie, but shall haue an
action of Debt for the wine.

If I deliuer cloth to a Tailor
to haue a gowne made, if the price
bee not agreed on in certaine be-
fore, how much I shall pay for the
making, he shall not haue an acti-
on of Debt against mee, that is to
say, a generall action of Debt, but
in such case the Tailor shall haue a
speciall action of Debt, and shal de-
clare specially, and it shall be put to
the Jury how much he deserueth.

But if a Tailor make a Bill,
and himself rateth the making and
the necessaries thereunto, hee shall
not haue an action of Debt for his
owne values, vnlesse that it was so
specially agreed, but in such case he
may detain the garment untill
he be paid, as an Hostler may his
guests horse for meat by him taken,
Coke lib. 8. 147.

*Deuastauerunt bona
Testatoris.*

Deuastauerunt bona Testatoris,
is when the executors will
deliuer the Legacies that their Te-
stator hath given, or make restitu-
tion for wrongs done by him, or
pay his debts due vpon contracts,
or other debts vpon specialties,
whose dayes of payment are not
yet come, &c. And keep not suffi-
cient in their hands to discharge
those debts vpon records or spe-
cialties, that they are compella-
ble formerly by the Law to satis-
fie,

he, then they shall be constrained to pay of their owne goods the duties which at the first by the Law they were compelled to pay, according to the value of what they deliuered or paid by compulsion, for such payments of debts or deliuey of legacies, as is aforesaid, befoze debts paid vpon specialties & records, whose dates of payment are already come, are accounted in the Law a waisting of the goods of the Testator, as much as if they had given them away without cause, or sold them, & conuerted them to their own vse.

And therefore if B. be bound in a Recognizance, or in a Statute Merchant or Staple, and after recovery is had against B. in an action of debt, and B. maketh his executors, and dieth his executors are bound by the Law to pay the debt due vpon the recovery, although that it be later, befoze the debt due by Recognizance or Statute, because that although that both are Records, yet the iudgement in the Kings Court, vpon iudiciall and ordinary proceeding, is more notorious and conspicuous, and of a more high and eminent degree than a Statute or Recognizance taken in priuate and by consent of parties, and therefore preferred in iudgement of the Law befoze Recognizance or Statute, & if the executors do not satisfie & pay this first, then if they haue no goods of the dead in their hands, they shall pay it of their owne proper goods. So the ordinary hauing goods of

hier, donq̄s ils serront constrainz à payer de leur biens demesme ceux duties, le q̄l al primes p le Ley ils fueront compelles de payer, accordant al value de ceo q̄ ils deliuerount ou pay sauns compulsion, car tiels payments d̄ debts, ou deliuerie d̄ legacies, cōe est auantidit, deuant debts payes sur specialties ou records, quel iours de paymt sont a ore venus, sont account ē le Ley, vn vauant des biens del Testator, cy taunt come si ils ad done eūx sauns cause, ou vend eūx & conuert a leur proper vse.

Et pur ceo si A. soyt lie en Recognizance, ou en Statute Merchaunt ou Staple, & puya recouerie est eue vers A. en action de debt, & A. fayt ses executors, & morust, ses executors sont tenus per la Ley a payer le debt due sur le recouerie, coment que soyt pūne deuant le debt due per Recognizance ou Statute, pur ceo que coment que ambideux sont records, vncore le iudgement en le Court le Roy, sur iudicial & ordinary proceeding, est pluis notorius & conspicuous, & de pluis hault & eminent degree q̄ vn Statute ou Recognizance prise en priuat, & per consent des parties, & p̄ ceo preferre en iudgmt del Ley deuant Recognizance ou Statute, & si l' executors ne ced primerment satisfia, donq̄ s'ils nont des biens le mort ē leur maines, il respondront ceo d̄ leur biens d̄ mesm. Istant l' Ordinarie ayant biens

The Exposition of

¶ *¶*un que morust intestat, en ses maines p sequestratiō, & vn action d' d'be sur vn obligatiō, al value des dits biens, soit port vers luy come ordinarie, il ne disposera ou administrera aucun parcel de les dits biens a les auters creditors a son pleasure, mes est ten^r a satisfaire le debt primes, d' que vn action en attempt vers luy. *Dyer fol. 232. plaito 5.*

Deuenerunt.

D*euenerunt* est vn Briefe direct al Escheator, quant asc^t Tenants le Roy que tient en *Capite* morust, & q^r son firs & heire deins age, & custodie le Roy, morust donq^t cest Brief issera, commaundemt l' Escheator, Que il per le serensit d' probes & loyals homes, enquire q^t terres ou tenements p le mort le Tenant, deuaigne al Roy, &c. *Veies Dyer fol. 360. pla. 4.*

Deuest.

D*euest* est vn parol contrary al Inuest, car cōc Inuest signifie a trader le possession d'un chose, issint *Deuest* signifie laufferance d'un possession.

Deuise.

D*euise* est lou vn ē son Testament done ou grant ses biens ou ses terres a vn auter apres son decease. Et lou tiel deuise est fait des biens, si les Executors ne voylent deliuer les biens ou auters chattels personals a le

one that dieth intestat in his hāds by sequestration. and an action of Debt vpon an obligation, to the value of the said goods is brought against him as ordinary, hee shall not dispose or administer any parcel of the said goods to the other creditors at his pleasure; but is bound to satisfy the debt first, for which an action is brought against him. *Dy. fo. 232. pl. 5.*

Deuenerunt.

D*euenerunt* is a writ directed to the Escheator, when any of the Kings Tenants holding in Capite dieth, and when his son and heire within age and in the Kings custody dieth, then shall this writ goe forth, commanding the Escheator, that he by the oath of good & lawfull mē enquire what lands or tenements by the death of the Tenant come to the King, &c. *See Dy. fol. 360. pla. 4.*

Deuest.

D*euest* is a word contrary to Inuest, for as Inuest signifieth to deliuer the possession of a thing, so *Deuest* signifieth the taking away of the possession.

Deuise.

D*euise* is where a man in his testament giueth or bequeatheth his goods or his lands to another after his decease. And where such deuise is made of goods, if the Executors will not deliuer the goods or chattels personals to the

Deuisee,

Deuisee, the Deuisee hath no remedy by the common Law, but it behooveth him to have a citation against the Executors of the Testator, to appeare before the Ordinary, to shew why he performes not the will of the Testator, for the Deuisee may not take the legacy and serue himselfe, but it must bee deliuered to him by the Executors.

But by the common Law, if a man bee sole seised of lands in his demesne, as of fee, and deuise the lands by Testament, this Deuise was good, vntill the lands were in City or Borough, where lands be deuisable by custome. But if any man were intressed to the vse of another and his heires, and hee to whose vse he was so seised, did make deuise of his lands, this deuise was good, though it be not in a Towne where lands are deuisable.

Also if any man deuise lands in City, Towne, or Borough, deuisable, and the Deuisour dieth, if his heire or any other abate in the lands, then the Deuisee shall haue a writ of Ex graui quarrela. But this writ shall neuer be pleaded before the Kings Justice, but alwayes before the Mayor or Bayliffes in the same Towne.

And here to the end to shew how much the Lawes of this Realme, and the wise discreet Judges of the same, who are the Interpreters of the Law doe fauour Wills and Testaments, and Deuises, in yeelding to them such

Deuisee, le Deuisee n'ad remedie per le common Ley, mes il couient de auer vn citation vers les Executors le Testatour, & appaerer degant le Ordinary, demonstrer p quoy il ne performa le volunt le Testator, car le Deuisee ne poit prendre le legacie & luy m seru, mes il doit estre deliú a luy per les executors.

Mes per 'le common Ley, si home fuit sole seisie de terres en son demesne come de fee, & deuise les fres p son Testament, cest Deuise fuit voyde, si non le fres fueront en vn Citie ou Borough, lou fres sont demisable per custome. Mes si ascun home fuissoit enseoffe al vse d'un auf & ses heires, & cesty a que vse il fuit issint seisie fesoit deuise de ses fres, cest Deuise fuit bon, comment que il ne fuit en Ville lou terres sont deuisable.

Auxy si ascun home deuise fres e Citie, Ville, ou Borough, deuisable, & le Deuisour deuie, si son heire ou ascun auter abate en les terres, donques le Deuisee auera Brieft de Ex graui quarrela. Mes cest Brieft ne serra iammes plede deuant le Justice le Roy, mes tous foyz deuant le Maior ou Bailife en le dit Ville.

Et ore al fine de monstre quant les Leyes de cest Roy-alme, & les discreet Iudges de ceo, queux sont les Interpreters de le Ley, ont fauour Voluntas & Testaments, & issint Deuises, en yeelding al eux tiel

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reasonable construction come ils pensant poit byen agreer oue les mentes de les morts, considerantes que Volunts & Testaments sont pur le plus part, & per common intendement fayt quauant le Testatour est ore en graund langour, feeble, & passa tout sperans de recouerie: Car il est vn opinion en le Payes inter le greinder nombre, que si vn home per chance soit cy prudent, come de fayre son Volunt en son bone sanittie, qnt il est strong, & bone memorie, & ad temps & opportunitie, & poyt demaunde councel, si ascun doute soyt de le Learned, que donqs il ne doyt viuer long apres, & pur ceo ils ceo deferre tanq; tiel temps quauant ceo soyt plus conuenient de applyer eux mesmes a le disposition de lour Almes, q̄ d̄ lour fres & biens, si non q̄ il soyt q̄ p̄ fresh memory & recital d̄ eux a cest temps, il poit estre vn cause de mirt̄ eux en ment de ascun de lour biens ou fres fausement purchafe, & isint moue eux al restitution, &c. Et a cest tēps l'escriture d̄ tiels Volunts sont cōmuneint cōmit al Minister d̄ l'Paroch, ou al afe' aut plus ignorant q̄ luy, que ne scauoit queux parols sont necessarie p̄ fair vn estat ē fee simple, fee taile, pur t̄me d̄ vie, ou tiels semblables, præt̄ diūs auts mischiefs: Ieo voil' pur ceo mis si ascuns de ceux cases queux sont plus common en les bouches d̄ les ignorant homes, & portent per l' scanient interpretations

a reasonable construction as they thinke might best agree with the mindes of the dead, considering that wills and Testaments are for the most part, and by common intendment made when the Testatour is now very sicke, weake, and past all hope of recovery: for it is a received opinion in the Country amongst most, that if a man should chance to be so wise as to make his will in his good health, when hee is strong, of good memory, and hath time and leisure, and might aske counsell, if any doubt were of the Learned, that then hee should not liue long after, and therefore they deferre it to such time when as it were more convenient to apply themselves to the dispositions of their soules, than of their lands or goods, except it were that by the fresh memorie and recital of them at that time, it might bee a cause to put them in minde of some of their goods or lands falsely gotten, and so moue them to restitution, &c. And at that time the penning of such wills are commonly committed to the Minister of the Parish, or to some other more ignorant than he who knoweth not what words are necessary to make an estate in fee simple, fee taile, for terme of life, or such like, besides many other mischiefs: I will therfore here set down some of those cases that are most common in ignorant mens mouthes, & doe carry by the wisse interpretations

of the Judges, as is aforesaid, a larger and more fauourable sense in Words, than in Deeds.

First, therefore, if one deuise to J. S. by his will all his lands & tenements, here not only all those lands that he hath in possession do passe, but all those that hee hath the reuerſion of, by vertue of those words, Tenements.

And if land bee deuised to a man to haue to him for euer, or to haue to him and his assignes, in these two cases the devisee shall haue a fee simple. But if it be giuen by feoffment in such maner, he hath but an estate for term of life.

And if a man deuise his land to another, to giue, sell, or doe therewith at his pleasure or will, this is fee simple.

A devise made to one and to his heires males, both make an estate taile: But if such words be put in a deed of feoffment, it shall be taken a fee simple, because it doth not appeare of what body the heires males shall be begotten.

If lands be giuen by deed to J. S. and to the heires males of his body, &c. who hath issue a daughter, who hath issue a son, & dieth, there the land shall returne to the Donor, & the son of the daughter shall not haue it, because he cannot conuey himselfe by heires males, for his mother is a let thereto: but otherwise it is of such a devise, for there the sonne of the daughter shall haue it, rather than the will shall be void.

If one deuise to an Infant in his mothers belly, it is a good

de les Iudges, come est auant, dit, vn large & pluis fauourable sensé en Volunts, que en Faits.

Et pur ceo primerment, si vn deuise al I. S. p son Volunt, tous ses frés & ténemts, icy nô seulement tous ceux frés q il ad en possession passent, mes auxy ceux d q il ad en reuerſion, per vertue d ceux parols, Teneméts.

Et si frés sont d'uiſe à vn hōe, a auer a luy imperpetuum, ou auer a luy & ses assignes, en ceux deux casés le deuisee auera fee simple. Mes si soynt done p feoffment en tiel maner, il nad forsque estate pur terme de vie.

Auxy si vn home deuise ses terres al aut, pur doner, vender, ou faire de ceo a son volunt & pleasure, cest fee simple.

Vn deuise fait al vn & a ses heires males, fait vn estat taile: Mes si tiels parolx sont mis en vn fait d' feoffment, il serit prise fee simple, pur ceo que il nappiert de que corps les heirs males ferra engender.

Si terres sont done per fait al I. S. & a les heires males de son corps, &c. que ad issue file, que ad issue fits & mortu, la le terre reuertera al Donour, & le fits de file nauera ceo, pur ceo que il ne poit a luy mesme conuey per heires males, car la mere est vn obstacle a ceo: Mes autrement est de tiel deuise, car la le firz del file ceo auera pluſtoſt que le Volunt ferra void.

Si vn deuise al Enfant en ventre matris sue, cest bone deuise,

The Exposition of

deuise, autrement est per feof-
sement, graunt, ou done, car en
ceux cases il doit estre vn del
habilitie pur prendre mainte-
nant, autrement il est voides.
Veies 14. Eliz. Dy. 304.

Vn deuise fait en fee simple
sauns expresse parols del heires,
est bone en fee simple.

Mes si vn deuise soit al I.N. il
auera les tres forsque pur terme
de vie, car ceux parols ne voient
porter greinder estate.

Si vn voile que son fits I. a-
uera son terre puis le mort sa
feme, icy le feme le deuise ane-
ra le terre primes pur terme de
sa vie. Issint si home deuise ses
biens a sa feme, & que apres le
decease de son feme, son fits &
heire auera le meason ou les bi-
ens sont, la le fits nauera le
meason durant le vie d le feme:
Car il appiert que son intent
fuit, que sa feme doit auer
le meason auxy pur terme
de sa vie, nient obstant il ne
fuit deuise a luy per expresse
parols.

Si vn deuise soit al I.N. &
a les heires females de son
corps engendres, apres le deuise
ad issue fits & file, & mo-
rust, icy le file auera le terre,
& nemy le fits, & yncore il
est pluis digne person, & heire
al son pierre: Mes pur ceo que
volunt del mort est que le file
doit ceo auer, ley & conscience
voet issint auxy.

Et en cest poient les Hea-
thens fueront precise, come ap-
piert p ceux Verses d Otauius

deuise, otherwise it is by feoffe-
ment, graunt, or gift, for in those
cases there ought to be one of a-
bilitie to take presently, or other-
wise it is void, See 14. Eliz.
Dy. 304.

A deuise made in fee simple
without expresse words of heires,
is good in fee simple.

But if a deuise be made to A.
A. he shall haue the land but for
terme of life, for those words will
carry no greater estate.

If one will that his sonne A.,
shall haue his land after the death
of his wife, here the wife of the
deuisee shall haue the land first
for terme of life. So likewise if a
man deuise his goods to his wife,
and that after the decease of his
wife, his son & heire shall haue the
house where the goods are, there
the son shal not haue the house du-
ring the life of the wife: for it doth
appeare, that his intent was, that
his wife should haue the house also
for terme of her life, notwithstanding
it were not deuised to her by
expresse words.

If a deuise be to A. B. and to
the heires females of his body be-
gotten, after the deuisee hath issue
a son & daughter, & dieth, here the
daughter shall haue the land, and
not the son, and yet he is the most
worthy person, and heire to his
father: But because the will of
the dead is, that the daughter
should haue it, law and conscience
will so also.

And herein the very Heathens
were precise, as appeareth
by those Verses of Otauius
Augustus,

Augustus, which Donatus reporteth hee made after that Virgil at his death gaue commaundement that his booke should be burnt, because they were imperfect, and yet some perswaded that they should be saued, as indeed they happily were, to whom hee answered thus: But faith and Law must needs bee kept, and what last will both say: And what it both command bee done, that needs we must obey.

Augustus, que Donatus report, il fesoit apres que Virgil a son mort donoit commaundement que ses liuers doient estre combure, par ceo que ils fueront imperfect, & vncore ascuns persuadont que ils doyent estre saue, come en fait ils happiment fueront, a que il respond issint: Sed Legum seruanda Fides, suprema voluntas: Quod mandar, fierique iubet, parere necesse est.

Deuoire.

Denoire.

Deuoire is as much to say as a duty, and this word is vsed in the Statute of 2.R.2. cap.3. where it is prouided that all the western Merchants, being of the Kings amity, shall pay all manner of customes and subsidies, and other deuoirs of Castels. See the Stat. 5. eiusd. Re. c. 2.

*D*euoire est tant adire, come dutie, & cest parol est vse en le Statute de 2.R. 2. cap. 3. ou est puruiewe, que tous Merchants del West, esteant del amitie le Roy, payera tous manners des customes & subsidies, & auters deuoirs de Caleis. Veies le Statute 5. eiusdem Regis cap. 2.

Deuorce.

Déuorce.

Deuorce, diuortium dictum est à diuersitate mentium, quia in diuersas partes eunt qui distrahunt Matrimonium, or esse diuortium commeth from the verbe Diuerto, which signifieth to retorne backe, because that after the Deuorce between the husband and wife, he returneth her againe to her father or other friends, or to the place from whence he had her.

*D*euorce, diuortium dictum est à diuersitate mentium, quia in diuersas partes eunt qui distrahunt Matrimonium, ou autrement Diuortium, viét del verbe Diuerto, que signifie de retourner arere, pur ceo que puis le deuorce parent le baron & feme, il luy retorne arere a sa pere, ou auter amies, ou al lieu de que il luy prist.

And although that Deuorce was neuer approued of by the Diuine Law, but contractiue prohibited, as appeareth by this

Et coment que Deuorce ne vnques fuit approue per le Diuine Ley, mes al contrarie prohibite come appiert per cest

The Exposition of

mandat, *Quod Deus coniunxit homo non separet*, vncore en tous ages & bien dispose common-weales il ad estre vie & permit. Et issint a cest iour ouc nous la sont diuers causes pur queux baron & feme poient estre deuorce, come primerment *causa præcontractus*.

Et pur ceo si home marrie ouc feme præcontract, & ad issue per luy, cest issue en Ley & en veritie port le surnome de son pier: mes si puis le baron & feme sont deuorce pur le præcontract, ore l' issue ad perde son surnome, & est deuenus Bastard, & *nullius filius*, Coke li.6.fo.66.

Et deuorce poit estre *causa frigiditatis*, & pur ceo si home soit espouse a vn feme, & puis ils sont deuorce *causa frigiditatis*, & donque le home prist auter feme, & ad issue per luy, vncore cest issue est legitimate, pur ceo que home poit estre *habilis & inhabilis diuersis temporibus*, & per le deuorce *causa frigiditatis* le mariage fuit dissolue a *vinculo matrimonii*, & par consequence chesc' de eux poit marrier arere. Co.li.4. fol.98.b.

Auxy home poit estre deuorce, *Causa impubertatis*, ou *Minoris ætatis*, & en ceo case si deux sont espouse *Infra annos nubile*, & apres le pleine age deuorce soit prise inter eux, ceo dissolue l'espousals, & le fem poit suer vn assise vers le baron, pur terres ou tenements donec que luy en Frank-marri-

age, Let no man separate that which God hath ioyned together, yet in all ages and well gouerned common-weales it hath been used and permitted. In like manner at this day with vs there are diuers causes for which the husband and wife may be deuorced, as first *causa præcontractus*.

And therefore if a man marry with a woman præcontracted, and hath issue by her, this issue in law and in truth beares the surname of his father: but if after the husband and wife be deuorced for the præcontract, there the issue hath lost his surname, and is become a Bastard; and *nullius filius*, Co. lib.6.fol.66.

And deuorce may bee *causa frigiditatis*, and therefore if a man be married to a woman, and after they are deuorced *causa frigiditatis*, and then the man taketh another wife, and hath issue by her, yet this issue is lawfull, because that a man may be *habilis & inhabilis diuersis temporibus*, & by the deuorce *causa frigiditatis* the marriage was dissolved, a *vinculo Matrimonii*, and by consequence either of them might marry againe, Co.lib.5.fo.98.b.

Also a man may be deuorced, *Causa impubertatis*, or *Minoris ætatis* and in this case if two are married *Infra annos nubile*, and after the full age deuorce is had between them, this dissolue the marriage, and the woman may arraigne an Assise against the husband, for the lands or tenements given with her in Frank-marriage,

age, 19 lib. Affise Pla. 2. **De** deuorces may be had, *Causa professionis*, *causa consanguinitatis*, *causa fornicationis*, and for many other causes, which would be ouer long to be now recited.

And it is requisite, that in the sentence of Deuorce the cause thereof be shewed, because that some Deuorce dissolue the Matrimony, that is to say, A *vinculo Matrimonii* bastardeth the issue, & barreth the wife of dower, & some A *mensa & thoro*, the which dissolue the Matrimony, nor barreth the woman of dower, nor bastardeth the issue.

And it is to be obserued, that deuorce is a iudgement spirituall, and therefore if there bee cause, ought to be reuerled in the Spirituall Court. See Coke lib. 7. *Kennes case*.

If a woman Copiholder of certain land, Durante viduitate sua, according to the custome of the Manor, someth the land, and before the severance of the cozne taketh a husband, the Lord shall haue the Embleaments, and not the husband: But if a Lease be made to the husband & wife during the couerture, & the husband someth the land, & afterward they are deuorced *causa Præcontractus*, the husband shall haue the Embleaments, and not the Lessor.

De son tort demesne.

DE son tort demesne, seemeth to bee certaine words of forme in an action of Trespasse,

age, 19 lib. Affise Pla. 2. Issint deuorce poit estre, *Causa professionis*, *causa consanguinitatis*, *causa fornicationis*, & pur plusors auters meistres que serroit plus tedious destre iammes recite.

Et couient que en le sentence de Deuorce le cause de ceo soit monstre, pur ceo que ascun Deuorce dissolue le Matrimonie, cest adire, A *vinculo Matrimonii*, bastard l' issue, & barre le feme de dower: & ascun A *mensa & thoro*, le quel ne dissolue le Matrimonie, ne barre le feme de dower, ne bastard le issue.

Et est destre obseruee, que deuorce est iudgement spirituall, & pur ceo, sil soit cause, couient estre reuerle en le Spirituall Court. Veies Coke lib. 7. *Kennes case*.

Si feme Copiholder de certaine ère, *Durante viduitate sua*, solonq le custome del Mannor, emblea le ère, & deuant le seuerance des embleaments prist baron, ore le Seignieur auera l' Embleaments, & nemy le baron: Mes si Lease soit fait al baron & feme, durant le couerture, & le baron emblea le terre, & puis ils sont deuorced *causa Præcontractus*, le baron auera les Embleaments & nemy le Lessor.

De son tort demesne.

DE son tort demesne, semble destre certaine parols de forme en vn action d' Trespasse,

The Exposition of

vse per voy de reply al Plee del Defendaunt: Come si A. suist B. en vn Action de Trespasse, B. respondue pur luy mesme, que il ad ceo fait que A. appel Trespasse, per le commaundement de C. son Maister; A. dit arere que B. ad ceo fait de son tort demesne, sauns ceo q C. luy comanda modo & forma, &c.

used by way of reply to the Plea of the Defendaunt: As if B. sueth B. in an action of Trespasse, and B. answereth for himselfe, that he did this which A. calleth Trespasse, by the commandement of C. his Maister, A. saith again, that B. did this of his owne wrong, without that that C. commanded him in such manner and forme, &c.

Detinue.

Detinue est vn Brieft que gist vers luy que ayant biens & chattels deliuer a luy de garder, refusa de restorer eux arere. Vide de ceo, F.N.B. 138.

Detinue.

Detinue is a writ that lyeth against him, who hauing goods and chattels deliuered to him to keep, refuseth to deliuer them againe. See hereof F.N.B. 138.

Dieu son act.

Dieu son act, ceux sont parols plufors toits vse en nostre Ley, & la est vn Maxime, Que le Act de Dieu serra preiudice a nulluy: Et pur ceo si Meason eschiust per tempest ou auter Act de Dieu, le Lessee pur vie ou Lessee pur ans non solement serra quit en Action de Waste port vers luy; Mes ad per le Ley vn special interest a prendre le Merisme pur edifier le Meason arere. sil voit pur son habitation, Coke, lib. 4. 63. & lib. 11. 82. a.

Dieu son act.

Dieu son act, these are words often times used in our Law, and it is a Maxime, That the Act of God shall preiudice no man: And therefore if a house falleth downe by tempest, or other act of God, the Lessee for life or Lessee for yeeres shall not onely bee quit in an action of Waste brought against him; But hath by the Law a speciall interest to take timber to edifie the house againe if hee will for his habitation, Coke lib. 4. 63. & lib. 11. 82. a.

En mesme le manner, quant le Condition dun Obligation estoit sur deux parts en le Disiunctiue, & ambideux sont possible al temps del obligation fait, & puis lun de eux deueigne impossible per Laet de Dieu,

In like maner, when the condition of an Obligation consisteth of two parts in the disiunctiue, and both are possible at the time of the Obligation made, and afterwards one of them becommeth impossible by the Act of God, the

the Obligor is not bound to performe the other part, for the condition shall bee taken beneficially for him, Coke lib. 5. 22.

le Obligor nest tenu a performer l'auter part, car le condition serra prise beneficialment pur luy, Coke lib. 5. 22.

Diem clausit extremum.

Diem clausit extremum, is a writ, and it lyeth where the Kings Tenant that holdeth in Chiefe dieth, this writ shall bee directed to the Escheator, to enquire of what estate he was seised, and who is next heire, and his age, and of the certaintie of the land, and of what value the land is, and of whom it is holden, and the inquisition shall be returned into the Chancery, which is commonly called, The Office, after the death of that person.

And there is another writ of Diem clausit extremum, awarded out of the Exchequer, after the death of an accountant or debtor of his Majestie, to leuie the debt of his Heire, Executor, Administrators, lands or goods.

Dicker.

Dicker is a word used in the Statute of 1. Jacobi cap. 22. and it signifies the quantity of ten hides of Leather. And it seems to come from the Greek and Latine word Decas, which signifies ten in number.

Dies datus.

Dies datus is a respite given to the Tenant or Defendant

Diem clausit extremum.

Diem clausit extremum, est vn Brieve, & gift lou Tenant le Roy, que vient en Chiefe mort, doncque cest Brieve serra direct al Escheator denquirer de quel estate il fuit seisie, & que est prochain heire, & de quel age, & de la certaintie del terre, & de quel value le terre est, & de que ceo est tenu, & del inquisition serra retourne en le Chancerie, & est communemēt appel, Le Office, apres le mort del tiel person.

Et est autre Brieve de Diem clausit extremum, agard hors del Exchequer apres mort del vn accomptant ou debtor al Roy, a leuier le debt de son Heire, Executor, Administrators, terres ou biens.

Dicker.

Dicker est vn parol vse en l'Estatute 1. Jacobi cap. 22. & signifie le quantite des diez hides de Cuir. Et semble de venir del Greeke & Latine parol Decas, que signifie diez en nombre.

Dies datus.

Dies datus est vn respite donec al Tenant ou Defendaunt deuant

The Exposition of

deuant le Court, Brooke Tit.
Continuance.

before the Court. Brooke Tit.
Continuance.

Dignitie Ecclesiastical.

Dignitie Ecclesiastical est vn phrasé de parlance vse en le stat. de 26.H.8.c.3. & per les Canonists est définie estre *Administratio cum iurisdictione & potestate aliqua coniuncta.*

Dignitie Ecclesiasticall.

Dignitie Ecclesiasticall is a phrasé of speech used in the Statute of 26.H.8.cap.3. and by the Canonists is defined to be Administration conioyned with power and iurisdiction.

Diocesse.

Diocesse est le circuit d' l iurisdiction d' chescun Buesque, car cest royaume ad deux sorts de diuisions, l'un en shires ou counties, & respect d' l temporal policie, laut' & diocesses, & respect d' l iurisdiction Ecclesiastical.

Diocesse.

Diocesse is the circuit of the iurisdiction of euery Bishop, for this realm hath two kinds of diuisions, the one in shires or counties, in respect of the temporal policie, the other in diocesses, in respect of the Ecclesiasticall iurisdiction.

Dieta rationabilis.

Dieta rationabilis est ascun foits vse pur le reasonable iourney d'un iour, cōe *Bra.li.3. part.2.ca.16.* Il ad en le Ciuile Ley auters interpretations q ne besoigne de stre cy insert. Vies *Vocabul. utriusque iuris.*

Dieta rationabilis.

Dieta rationabilis is sometimes used for a reasonable dayes iourney, as *Bra.lib.3. part.2.ca.16.* It hath in the Ciuill Law other significations which need not to bee here mentioned. See *Vocab. utriusque iuris.*

Disabilitie.

Disabilitie est quautt home per ascun chose ou act, per luy mesme ou son ancestor fayt ou commit, ou pur ou per ascun autre cause est disable ou fait incapable a faire, de inheriter ou de preñder benefit ou aduantage d'un chose q auterment il puit auer done ou fait.

Disabilitie.

Disabilitie is when a man by any act or thing, by himselfe or his ancestor done or committed, or for or by any other cause is disabled or made incapable to doe, to inherit, or to take benefit or aduantage of a thing, which otherwisse heermight haue had or done.

And

And for this there are many things by which a man may be disabled, and those are ordinarily either by the act of the party, or his ancestor, or by the act of the Law, or by the act of God.

Disability by the act of the ancestor of the party, as if a man be attainted of treason or felony, by this attainder his blood is corrupted, and thereby himselfe and his children made incapable, and disabled to inherit.

Disability by the act of the party himselfe, as if a man maketh a feoffment to another man that then is sole, upon condition that hee shall infeoffe a third man before M. and before M. or the feoffment made, the feoffee taketh a wife, he hath by that disabled himselfe to performe the condition according to the trust in him reposed, and therefore the feoffor may enter and oust him, as it is *Little. Sect. 357*. So if the feoffor chargeth the land, or enters into a Statute Staple, or Statute Merchant, by these acts hee hath disabled himselfe, and therefore the feoffor may enter as in the former case. So if I bind my selfe, that upon surrender of a lease I will grant a new estate to the Lessee, & afterwards I grant over my reversion, in this case although that I afterwards repurchase, & get the whole reversion to me againe, yet I have forfeited my obligatiō, because that I was once disabled to perform it, *Co. li. 5. f. 21*. Also if a man be excommunicated, he cannot during that time sue any action,

Et pur ceo la sont plusieurs choses p queux home poyt estre disable, & ceux sont communement, ou p l'act del partie, ou son ancestor; ou p l'act del Ley, ou p l'act de Dieu.

Disabilitie per act del ancestor del partie, come si hōe soynt attraint de treason ou felonie, p cest attrainder son sangue est corrupt, & per ceo luy mesme & ses issues saynt incapable & disable d'inherit.

Disability per l'act del partie mesme, come si home fait feoffment al autre home que adonq est sole, sur condition, que il enfeoffe vn tierce home deuant M. & deuant M. ou le feoffement fait, le feoffee prist femme, il ad p ceo luy disable d'performer le condition accordant al trust en luy reposer, & pur ceo le feoffor poyt en & luy ouster, come est *Little. Sect. 357*. Il s'entend si le feoffee charge le terre, ou enter en vn Statute Staple, ou Statute Merchant, p ceux acts il ad luy m disable; & le feoffor pur ceo poynter, come en le prim case. Il s'entend si Ieo moy oblige, q sur surrender d'un Lease Ieo voyle faire vn nouvel estate al Lessee, & puis Ieo granta ouster mon reversion, en ceo case, come que Ieo en apres ceo repurchase, & acquit tout le reversion a moy arere, vneof Ieo aye forfeit mon obligation p ceo que Ieo suy vn fois disable d'ceo performer, *Coke. lib. 5. fo. 21*. Auxy si home soynt excommunge, il ne poit durant ceo repuer asc action,

The Exposition of

mes serra per ceo disable, *Coke lib.8.fol.69.* & issint en plusors auters cases.

Disabilitie per act del Ley est pluis properint quauant home p le sole act d'l Ley, sauns asc' original ou primr chose p luy fayt, est disable, & issint est Alien nee. Et pur ceo, si home nee hors de la liegeance de noster Seignior le Roy, voile suer ascun action real ou personal, le Tenant ou Defendant poit dire, q il fuit nee en tiel pais que est hors d la liegeance le Roy, & demand iudgement sil serra respondue, car le Ley est nre birthright, a q vn alien est collateral & estrange, & pur ceo disabl' p preder ascun benefit per ceo.

Per le act de Dieu, cõe destre *Non compos mentis* est vn disabilitie en ascun cases, & en ascun nemy, pur que semble, que cest difference poit este prise, que en tous cases ou home de *Non compos mentis* done ou passe ascun chose ou estate hors de luy, la ceo poit apres son mort estre anient & fayt voyd, mes ou hõc de *Non sane memoria* fayt vn chose, p que riens pas hors d luy, la il poit en ascuns especial cases estre lye : come si home d *Non sane memoria* soyt lessce pur ans, rendant rent, & le lessor graunta le reuerfion, ore le lessce *Non compos mentis* ne poyt faire Attournement, car cestuy que est *amens*, ou sauns ment, ne poyt faire Attournement que est agreement, & vncore en tiel case si le lessor eiet luy, & fait

but shall be thereby disabled, *Co. lib.8.fol.69.* and so in many other cases.

Disability by act of Law is most properly when a man by the sole act of the Law, without any former thing by him done, is disabled, and so is Alien borne. And therefore if a man borne forth of the liegeance of our Lord the King, will sue any action real or personal, the Tenant or Defendant may say, that hee was borne in such a country which is forth of the Kings liegeance, & demand iudgement if hee shall be answered, for the Law is our birth-right, to which an Alien is collateral & a stranger, & therefore disabled to take any benefit thereby.

By the act of God, as not to be of whole memory is a disability in some cases, and in others not, for which it seemeth that this difference may be taken, that in all cases where a man of no whole memory giveth or passeth any thing or estate out of him, there this after his death may be disannulled & annulled : but where a man of non sane memoria doth a thing, whereby nothing passeth out of him, there he may in some especial cases be bound : as if a man of no whole memory be lessce for yeers, rendering rent, & the lessor granteth the reuerfion, there the lessce of Non sane memoria cannot make Attournement, for he that is *amens*, or without mind, cannot make Attournement, which is agreement, & yet in such case if the lessor eiet him, and maketh a feoff-

a feoffment, and afterwards the lessee of Non sanz memorie re-enters, this act of re-entry doth subiect him to the distresse and action of waste.

And it is to be obserued, that it is a maxime in Law, that a man of full age shall neuer bee receiued to disable his owne person. And this disability to disable himselfe, as to some persons is personall, and extendeth only to the party himselfe, and as to other persons it is not personall, but shall bind them also. And as for this, know that there are foure manner of priuities, *f.* priuities in blood, as heire; priuities in representation, as Executors or Administrators; priuities in estate, as donee in tail, the reversion or remainder in fee, &c. and priuities in tenure, as Lord and Tenant: & two of these that are priuities only, may disable the person of the dead, which was of Non sanz memorie, or, &c. and shall auoid his deeds, grants, or feoffments, and two of them not. For priuities in blood may shew the disability of the ancestor, and priuities in representation, the infirmity of their testator or intestate, but neither priuities in estate, nor priuities in tenure can so doe, *Cok. lib. 4. fo. 123. 124. See Litt. Sect. 405. & Cok. lib. 8. fo. 43.*

Disgrading.

Disgrading is when a man hauing taken vpon him a dignity temporall or spirituall,

feoffment, & puis le lessee de Non sanz memorie re-enter, cest act de re-entree subiect luy mesme al distresse & action de Waste.

Et est destre obserue, que il est vn maxime en la Ley, que hōe de plein age ne vnques serra receiue a disable son person de mesme. Et cest disability a disable luy mesm, quaut al ascuns persons est personall, & extend solemēt al partie mesme, & qnt al auēs, nest psonal, mes lyera eux auxy. Et quant a ceo, saches q sont quater manner de priuities, *f.* priuies en sang, come heires priuies en representation, come Executors ou Administrators; priuies en estate, come donee en tayle, le reversion ou remainder en fee, &c. & priuies en tenure, come Seignior & Tenant: & deux de ceux que sont priuies solemēt, poyent disable le pson d't mort, q ne fuit *Compos mentis*, ou, &c. & auoidera ses grants, faits, ou feoffments, & deux nemy. Car priuies en sang poient monstre le disability del ancestor, & priuies en representation, le infirmitie d' leur testator ou intestate, mes neq priuie en estate, neq priuie en tenure ceo serra, *Cok. li. 4. fo. 123. 124. Veies Litt. Sect. 405. & Cok. lib. 8. fo. 43.*

Disgrading.

Disgrading est quant vn hōm aynt prise sur luy vn dignite temporal ou ecclesiastical,

pur aucun honorable chose ou
auec meſtre p luy fayt, ou auter-
mit, eſt enaps d' ceo deprive, ſoyt
il Chival', Clerk, ou auec home.
Pur que ſi vn Clerk ſoit d'liuer
a ſon Ordinarie, & ne poit ac-
quie luy meſme del pech d' que
il fait conuict p le Iurie, il ſerra
pur ceo diſgraded, que riens au-
ter eſt forſque le deprivation
de luy de ceux orders que il ad
fur luy priſe, come Priſthood,
Deaconſhip, ou autermit, *Stamf.
Pla. Co. fo. 130. 138.*

Et en meſme le manner la eſt
diſgrading vn Chivaler, come
eſt auantdit. *Veies Stow An-
nal. pag. 685.* Et eſt deigne l' ob-
ſervation, que per le common
Ley la ſont deux ſortes de diſ-
gradings, l'un ſummarie p pa-
rol ſolement, & l'auter ſoleme,
per deueſtant le partie diſgrade
de ceux ornements & rites que
ſont les enſignes de ſon order
ou degree. *Veies 4.E.4. 19. 20.*

Diſcent.

Diſcent eſt en deux ſorts, ou
lineal ou colateral: lineal
diſcent eſt que l' diſcent eſt con-
uey en meſme le lyne d' entiere
ſanke, come aye, pere, ſits, ſits
del ſits, & iſſint debaſſa.

Colateral diſcent eſt dehors
en vn auter branche de haut
dentier ſangue, come le frere
del aye, frere del pere, & iſ-
ſint debaſſa.

Nota, que ſi vn deuie ſeiſe
en fee, ou en taile, de fre en que
auter ad droyt de enſe, & ceo

for any honourable thing or other
act by him done, or otherwiſe, is
afterwards thereof deprived, be
he Knight, Clerk, or other man.
Wherefore if a Clerk be delivered
to his Ordinary, & cannot clear
himſelfe of the offence whereof he
is convicted by the Jury, he ſhall
be diſgraded for it. Which is no-
thing-else but the deprivation of
him from thoſe orders he hath ta-
ken vpon him, as Priſthood,
Deaconſhip, or otherwiſe, *Stamf.
Pl. Cor. f. 130. 138.*

In like maner there is diſgra-
ding of a Knight, as is aforeſaid.
See Stow Annal. pag. 685. Et eſt
And it is worthy the obſervati-
on, that by the common Law there
are two kinds of diſgradings, the
one ſummary, by word only, and
the other ſoleme, by deueſting
the party diſgraded from thoſe
ornaments and rites which are
the enſignes of his order or de-
gree. *See 4.E.4. 19. 20.*

Diſcent.

Diſcent is in two ſorts, either
lineall or colateral: lineall diſ-
cent is when a diſcent is conuey-
ed in the ſame line of the whole
bloud, as grandfather, father, ſon,
ſons ſon, and ſo downward.

Colateral diſcent is out in
another branch drawne from a-
bout of the whole bloud, as
grandfathers brother, fathers
brother, and ſo downward.

Note, that if one be ſeiſed in
fee or in taile, of land, in which
another hath right to enter, & that
diſcendeth

discendeth to his heire, such discēt shall take away the entrie of him which hath right to enter, for that that the heire hath them by descent from his father, and so came unto those tenements by the doing of the Law, and he that hath right cannot put him out by entering upon him, but is put to shew his writ, to demand the land according to the nature of his title. See hereof in Lit. li. 3. c. 6. stat. 32. H. 8. c. 33.

Disclaimer.

Disclaimer is where the Lord distraines his tenant, and hee sueth a replewin, and the Lord alloweth the taking, by reason hee holds of him, if the tenant say, That hee disclaime to hold of him, this is called a Disclaimer, & if the Lord thereupon bring a writ of right, sur disclaimer, & it be found against the tenant, he shall lose his land. Also if one bringeth a Præcipe against two others for the land, & the tenant disclaime & saith, that he is not therof tenant, neither claime anything therein, then the other shall have the whole land: but if the Præcipe be brought against one alone, & he disclaime, as is aforesaid, the writ shall abate, and yet the Demandant may enter into the land, and hold it in his rightfull estate, although his entry was not lawfull.

And after that the tenant in action brought against him disclaime, hee shall not have a writ of error against his own disclaimer, because that by his disclaimer hee

discend a son heire, tiel discēt tollera l'entrie de cestuy que droyt auoyt d'ent, pur ceo que le heire ad ceux per le discēt d'un piere, & issint vient a les tenements par act de Ley, & cestuy que droit ad ne puit luy ouster per entrie sur luy, mes est mise de suer son brieve a demander le terre solonque le nature de son title. Veies de ceo, Littleton li. 3. cap. 6. & Stat. 32. Henrici octavi, cap. 33.

Disclaimer.

Disclaimer est loz le Seignior distreyne son tenant, & il sua replewin, le Seignior pur auowa le prisel, per reason que il tient de luy, si le teneant dit, Que il disclaime de tener d' luy, cest appelle vn disclaimer, & si le Seignior sur ceo porte Brieve de droyt, sur disclaimer, & il soyt troue enconter le tenant, il perdra le terre. Auxy si vn port vn Præcipe vers deux autres, pur terre, & le tenant disclaime, & dit, que il nest de c' tenant, ne claime rien en ceo, donques l'auter anera tout le terre. Mes si le Præcipe soyt enuers vn sole, & il disclaime, come auant est dit, le brieve abatera, & vncore le demaundant poyt ent en le tre, & ceo tenor en son droytural estate, coment son entrie ne fuit loyal.

Et apres que le tenant en vn action port vers luy disclaime, il auera Brieve de erreur enconter son disclaimer, pur ceo que per son disclaimer il

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ad barre luy mesme del droyt del terre, car les parols del disclaimer del tenaunt sont, *Nil habet nec habere clamat in terra illa, nec die impetrationis brevis originalis predicta, &c. habuit siue clamauit, sed aliquid in terra illa habere de-advocat & disclamat*; & encounter ceo il nauera restitution per Briefe de error. Veies *Coke lib. 8 fol. 62.*

Issint si vn Seignior, en case ou il poit disclaim, disclaime en son Seigniorie en Court de Record, son Seigniorie p ceo est extinct, & le Tenaunt tiendra del Seignior prochein paramount cestuy q issint disclaime. *Littl. Sect. 146.*

Si terres sont done al baron & feme en taile ou en fee, & le baron morust, la le feme ne poit deuest le Franke-tenement hors de luy per aucun verbal waiuer ou disclaimer en pais, come si deuant aucun entrie fait per luy, el dit, que el ousterment waiue & disclaime al dit estate; & ne vnques voyle prender ou accepter de ceo, vncore, le Franketenement remaine en luy, & el poit enter quaut a luy pleist. Issint vn charter de feoffement fuit fait a quater, & seisin fuit deliuer a trois en nosme d'ours, & apres le seisin fuit deliuer, le quater vignant viewe le fait, & dit per parol, que il voile auer riens del terre ne agreea al fait; eins disclama, & fuit adiudge que cest disclaimer per parol en pais

hath barred himselfe of the right of the land, for the words of the disclaimer of the tenant are, He hath not, neither claimeth he to haue in the land, neither at the day of the bringing of the original writ aforesaid, &c. had or claimed, but any thing in the same land to haue he disauoweth and disclaimeth; and against this he shall not haue restitution by a writ of error. See *Coke lib. 8. fo. 62.*

So if a Lord in case where hee may disclaime, disclaimeth in his Seigniorie in Court of Record, his Seigniorie by this is extinct, and the Tenant shall hold of the Lord next aboue him that so disclaimed. *Littleton Sect. 146.*

If lands be giuen to the husband and wife in taile or in fee, and the husband dieth, the wife cannot denest the freehold out of her by any verbal waiuer or disclaimer in the country, as if before any entry made by her, shee saith, that she altogether waiueth and disclaimeth to the said estate, and will neuer take nor accept thereof, yet the freehold remaineth in her, & she may enter when she pleaseth. So a charter of feoffement was made to four, and seisin was deliuered to three in the name of all, and after the seisin was deliuered, the fourth comming seeth the deed, and saith by word that hee will haue nothing of the land, nor agree to the deed, but disclaimeth, and it was adiudged, that this disclaimer by word in the country shall

shall not denest the freehold out
of him, Coke lib. 3. fol. 26.

ne deuſtera le frank-tenement
hors de luy, Coke lib. 3. fo. 26.

Discontinuance.

Discontinuance is when a man alienateth to another lands or tenements, and dieth, and another hath right to the same lands, and may not enter into them, because of his alienation, as if an Abbot alien the lands of his house to another in fee, or in fee taile, or for terme of life, or if a man alien the lands that hee hath in the right of his wife, or if tenant in taile maketh of the lands giuen to him, and to the heires of his body, any feoffment, gift in taile, or lease for life not warranted by the statute 32. H. 8. by fine or liuerie of seisin, then such alienations bee tailed Discontinuance, for such estates passe away by liuerie and seisin, and in these cases the successors of the Abbot, or the woman after the death of her husband, or the issue in the taile after the death of the tenant in taile, nor they that haue any remainder or reuerſion after the end of the estate taile may not enter, but euery of them is put to his action.

And as there is discontinuance of possession, as is said before, so also there is discontinuance of proceſſe or plee, and this is when the instant is lost and may not bee taken againe, but by a new writ to begin the suit afresh, for to bee discontinued,

Discontinuance.

Discontinuance est quant vn home alien a vn autre terres ou tenements, & morust, & vn autre ad droit a meſme le terres, & ne puit enter en eux per cause de cel alienation, si come vn Abbot alien les terres de son meason a vn autre en fee, ou en fee taile, ou pur terme de vie, ou si vn home alien les tres que il ad en droit sa feme, ou si tenant en taile fait d les terres done a luy & a ses heires de son corps, aucun feoffment, don en taile, ou leas pur vie, nient garrant per Statute 32. H. 8. per fine ou liuerie d seisin, donq tiels alienations sont appels Discontinuance, car tiels estates passent tous faits per liuerie & seisin, & en ceux cas les successeurs la Labbe, ne la feme apres le mort sa baron, ne l'issue en le taile, apres le mort le tenant en le taile, ne ceux en remainder ou reuerſion puis le fine del estate taile ne poient entre, mes chescun d eux est mise a son action.

Et sicōe la est discontinuance d possession come est dit auant, insint auxy la est discontinuance de proceſſe ou plee, & ceo est quant l' instant est perde, & ne poit estre prise arere, mes per nouel Brieſe a cōmencer le suit a nouel, car doſtre discontinue

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& destre mis sauns iour est tout vn, & nient auterment que destre finalement dismis le Court de cel instant. *West. Part. 2. tit. Fines sect. 115.* Issint Crompton en son *Iurisdiction*, fo. 131. *ceq vlt* e ceux parol x. Si vn Iustice feat soit discontinue p le mient vner des Iustices, le Roy poit c' renuer per son Brieve.

Auxy si les Iustices de ascun Court, ne viendront al iour & lieu appoint, donque le cause ferra discontinu tanque al aut iour, come est en *Cok. lib. 1. fo. 38.* Issint si home ad vp action en le Court del Marhalhie, & le Roy remoue hors del Vierge, les pleas serront discontinu, *Cok. li. 10. fo. 73.*

Veies plus de ceo en *Little. li. 3. cap. 11. & 30. H. 8. ca. 28.* que tolle discontinuances p baron feise en droit son feme.

Dismes.

Dismes sont les Disme parts de ascun chose, mes proprement de ceux choses que encrease, queux pur le plus part pteigne al ministers Desglise pur leur maintenace, & ils sont deuïdes en 3. sorts, nismement, Predial dismes, Personel disms, & mixt dismes. Predial dismes sont dismes que sont paid de choses queux vient de le terre solemēt, cōc blees, feine, fruites del arbres, & tiels semblables.

Personel dismes sont les dismes q sont paies de tiels pñs que veign p le labor & industry

and to be put without day is all one, and nothing else but finally to be dismissed the Court of that instance, *West. Part. 2. tit. Fines, sect. 115.* So Crompton in his *Iurisdiction*, fol. 131. vlteth it in these words. If a Justice seat be discontinued by the not coming of the Justices, the King may renew it by his writ.

Also if the Justices of any Court doe not meet at the day and place appointed, then the cause shall bee discontinued vnto another day, as is in *Cok. lib. 1. fo. 38.* So if a man hath an action in the Court of the Marhalhea, and the King remoueth forth of the verge, the pleas shall bee discontinued, *Cok. lib. 10. fol. 73.*

See more hereof in *Lit. li. 3. c. 11. & 32. H. 8. c. 28.* which taketh away discontinuances by the husband seised in right of his wife.

Tythes.

TYthes are the tenth parts of any thing, but properly of those things which doe increase, which for the most part doe belong to Ministers of the Church for their maintenance, and they bee in three sorts divided, to wit, Prediall Tythes, Personall Tythes, and mixt Tythes. Prediall Tythes are Tythes that be payed of things that come of the ground onely, as Cozne, Hay, Fruits of trees, and such like.

Personall Tythes are Tythes to bee payed of such profits as come by the labour and industry

of a mans person, as by buying, selling, gaires of Merchandise; and of Handicrafts men, Laborers, and such as worke for hire, as Carpenters, Masons, and such like.

Mixt tythes are tythes of Calues, Lambes, Idges, and such like; that increase partly of the ground that they be fed upon, and partly of the keeping, industry, and diligence of the owner.

Disparagement.

Disparagement is a shame, disgrace, or villany done by the Gardeine in Chivalrie to his Ward in Chivalrie, being within age by reason of his marriage.

As when the Gardeine doth marry his ward within age of foureteene yeres, and within such time as hee cannot consent to marriage, to a bond-woman, or to the daughter of one that dwelt in a Borough (which is to bee understood such whose fathers pofesse Handicrafts, and those baser arts of buying and selling to get their living by) or to one that hath but one foot, or one hand, or is lame, or deformed, or hath some horrible disease, as the Leprosie, Frenchpocks, Falling-sickness, or such like, or marieth him to a woman that is past child-bearing, and diuers such other, then by the law made by the King the law the law

del person dū hōe, com p emption, & venditiō, gain d merchandise, & d manuel crafts Homes, Laborers, & tiels que labor pur salary, oñe Carpenters, Maçons, & tiels semblables.

Mixt dismes sont les dismes d Vitels, Agnes, Porcel, & tiels semblables, q encrease partmēt del frē, sur q ils sont d pasture, & p mēt del garding, industrie, & diligence del owner.

Disparagement.

Disparagement est vn hōr, disgrace, ou villanie fait per le Gardeine en Chivalrie, a son garde en Chivalrie, este-ant deins age per reason de son marriage.

Cōe quant le Gardeine marrie son Warde deins age de xiv. ans, & deins tiel temps que il ne poit consent al marriage, al vn niece, ou al file d'un que demurt en vn Borough (que est destē entend tiels que peres p-fesse mainecrafts, & tiels baser arts de emption & vendition pur gaine leur viuer per ceo) ou al vn que ad forsque vn pee, ou vn maine, ou est decrepit, ou deforme, ou aiant horrible disease, come le Leprosie, les pocks de Franks, Falling sicknes, ou tiels semblables, ou marrie luy a vn feme que est passé l'age d'infanter, & diuers tiels autres, donques sur le complaint fait per les amies de tiel heire, le Seignieur ou Gardein perdra le Gardship, & les profits durant

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rant le nonage de le heire, pur
le hont fait a luy. Veies Litt.
Lib. 2. cap. 4.

ring the nonage of the heire, for
the shame done unto him. See
Litt. lib. 2. cap. 4.

Disseisin.

Disseisin est quante vn home
enter en aucun terres ou te-
nements, lou son entrie nest
pas congeable, & ousta celuy
que ad le frank-tenement.

Disseisin sur Dis- seisin.

Disseisin sur Disseisin, est
quant disseisour est disseise
pur vn auter.

Disseisor & Disseisee.

Disseisor est celuy que mist
aucun home hors de son
terre sans order le Ley.

Mes le Roy ne serra dit de-
stre vn Disseisor, & bue ceo est
vn note en 1.E.5. fol. 8. que
fuit tenus que le Roy ne poit
estre dit vn que fist tort, car si
vn voet disseise vn auter al oeps
le Roy lou le Roy nad droit,
le Roy ne poit estre dit dis-
seisor.

Disseisee est cestuy que est
mist hors de son terre, & si tiel
Disseisee leuie fine del terre, de
que il est disseise al vn estraun-
ger, le Disseisor reteinera le fre
a tous iours, car le Disseisee en-
cont son fine demesne ne poit
claime, & le Conusee ne poit
enter, car le droit que le Dissei-
see ad fuit extinct per le fine,

Disseisin.

Disseisin is when a man en-
ters into any lands or tene-
ments, where his entrie is not
lawfull, and putteth him out that
hath the freehold.

Disseisin vpon Dis- seisin.

Disseisin vpon disseisin is when
the Disseisor is disseised by
another.

Disseisor and Disseisee.

Disseisor is hee which putteth
a man out of his land with-
out order of the Law.

But the King cannot bee said
to be a Disseisor, and with this is
a note in 1.E.5. f.8. that it was
held that the King could not bee
termed one that did wrong, for if
onc will disseise another to the vse
of the King where the King hath
no right, the King cannot be said
a Disseisor.

Disseisee is hee that is so put
out of his land, and if such Dis-
seisee leuie a fine of the land,
whereof he is disseised to a stran-
ger, the Disseisor shall keep the
land for ever, for the Disseisee a-
gainst his owne fine cannot claim,
and the Conusee cannot enter,
for the right which the Disseisee
had was extinct by the fine,
whereof

whereof the Disseisor shall take advantage : and so was the opinion, *Cok.lib.2.f.56.*

Disceit.

Disceit is a writ, and it is sometime originall, and sometime iudiciall, but when it is originall, it lieth where any Disceit is done to a man by another, so that he hath not sufficiently performed his bargaine, or not performed his promise, then he that is in such manner deceived shall have this writ.

Also when this writ is iudiciall, it lieth where a Scire Facias is used out of any record against a man, and the Sheriffe returneth, that he is swarned where he was not swarned, or where a *Præcipe quod reddat*, of a piece of lands, or a *Quire impedit*, of the presenting to a Church is sued against one, and the Sheriffe returneth that the Defendaunt is summoned, where hee was not summoned, by which Disceit and false returne the Defendaunt or Plaintiffe recovereth, then the party grieved shall have his writ against him that recovered, and against the summoners, & against the Sheriffe, and then the writ shall be directed to the Coroners of the same County, if he continue Sheriffe that made the returne.

So if a man maketh an Attorney in an action real brought against him, and afterwards it is agreed by disceit between the Defendaunt and the said Attorney,

dont le Disseisor prendra advantage : & issint fuit l' opinion, *Cok.li.2.f.56.*

Disceit.

Disceit est vn Briefe, & est ascun fois original, & ascun fois iudicial, mes quant il est original, gist lou ascun Disceit est fait a ascun home, per vn autre, issint que il nad sufficientment performe son bargaine, ou nient performe son promise, donqs celuy q est en tiel maner disceitue auera cest Briefe.

Auxy quant cest Briefe est iudicial, il gist ou *Scire Facias* est sue hors de ascun recorde vers vn, & le Viscount retourne que il est garnie, ou il ne fuit garnie, ou lou vn *Præcipe quod reddat*, de plee de terres, ou *Quare impedit*, del presentement al Esglise est sue vers vn, & le Viscount retourne que le Defendaunt est summon, lou il ne fuit summon, per quel disceit & faux retourne le Defendaunt ou Plaintife recouer; donques le partie greue auera cest Briefe vers luy que recouera, & vers les summoners, & vers le Viscount, & donques le Briefe serra direct al Coroners de mesme le Countie, si il continue Viscount que fist le retourne.

Issint si home fait Attorney en vn action real port vers luy, & puis est agreee per couin perenter le Demaundaunt & le dit Attorney,

que l' Attourney faiera default q' issint fait accordant, p q le tenant perde son fre, donq mesme le tenant que perda le fre poit auer vn Briefe de Deceit enuers l' Attourney.

Auxy si home port action de Trespasse vers deux autres, & le Plainiffe & vn Attourney per couin agree perenter eux, causant deux estrangers nient parties al Briefe a venir en le Court, & dire que ils sont mesme les deux Defendaunts nisme en le Briefe, & q' ils designe mesme le home destre leur Attourney en cel suit, sur q' mesme l' Attourney come Attourney al Defendaunts nisme en le Briefe pleadont al issue, & puis suffront l' enquest a passer per son default, per quel meanes le plainiffe recouert. En cest case ceux que sont voyerment Defendaunts, poient auer vn Briefe de Deceit enus mesme l' Attourney q' apparust come Attourney pur eux, & recuperont leur damages, *Fitz. Nat. Bre. 96.*

Et sicome le Ley punie son Officers, come Sergeants, Pleadours, Philosophers, Exigeters, Attourneyes, & aus, issint il reiect & dampne tous acts del plus grand importance, s'ils sont enterlayse oue deceit & faulxny. Come si vn fine soit leuie p deceit, & cinque ans passe: Veies de ceo per le Statute de 4. *Henr. sept. a. 24.* tous persons & leur droys serrount per ceo barre, vncore pur ceo q' fuit p deceit, le fine sera auoyde, come est

that the said Attourney shall make default, who doth so accordingly, whereby the tenant loseth his land, then the same tenant that loseth the land may haue a writ of Deceit against the Attourney.

Also if a man bringeth an action of Trespasse against two others, and the Plainiffe and an Attourney by Deceit agreed between them, cause two strangers not parties to the writ to come into the Court, and say that they are the same two Defendants named in the writ, and that they appoint the same man to be their Attourney in that suit, whereupon the same Attourney as Attourney to the Defendants named in the writ, pleadeth to the issue, and after suffers the issue to passe by his default, by which meanes the plainiffe recouereth: In this case these that are indeed Defendants may haue a writ of Deceit against the same Attourney that appeared as Attourney for them, and shall recouer their damages, *Fitz. Nat. Bre. 96.*

And as the Law punisheth her Officers, as Sergeants, Pleaders, Philosophers, Exigeters, Attourneys & others, so she renounceth and condemneth all acts of greatest importance if they bee intermixt with Deceit and falshood. And if a fine bee leuied by Deceit, and five yeeres past: See that by the Statute of 4. *H. 7. cap. 24.* all persons and their rights shall bee barred thereby, yet for that it was by Deceit, the fine shall bee avoided, as in adjudged

adiudged in *Cok. lib. 3. fol. 77.* In the same manner if one recouet by Deceit, the recouerte for this shall bee frustrated and made void, *3. Ed. 3. 28.* So if a woman that hath good cause to be endow- ed, shall by deceit haue thersenant to be disseised, & after recouers her dower by a writ of dower against the disseisor, yett shee shall bee adiudged in possession against the disseisee but as a disseisefesse, in respect of the deceit, *Co. li. 5. fo. 35.*

Distresse.

Distresse is the thing which is taken and distreined vpon any land for rent behind, or other duty, or for hurt done, although the property of the thing belongeth to a stranger: but if they be beasts that belong to a stranger, it behoeth that they were leuant & couchant vpon the same ground, that is to say, that the beasts haue bin vpon the ground a certain space, that they haue themselves well rested there, or else they be not distreinable for rent or seruice.

And if one distreine for rent, or other thing without cause lawfull, then the party grieved shall haue a repleuin, and vpon surety found to pursue his action, shall haue the distresse to him deliuered againe. But there be diuers things that bee not distreinable, viz. another mans gowne in the house of a Tallow, or cloth in the house of a Fuller, Sheerman, or wea- uer, for that they be common Artificers, and that the common

adiudge en *Cok. lib. 3. fol. 77.* En mesme le maner, si vn recouer terre per Deceit, le recouerie p. ceo sers anient & fait void, *3. E. 3. 28.* Issint si feme q ad bon cause desli endow, voyle p desceit auer le rent desli disseise, & puis reçoü sa dower p Bricte d dower enuers le disseisor, yncore il serra adiudge en possession enuers le disseisee forsq come vn disseisefesse, en respect dl desceit, *Co. li. 5. f. 31.*

Distresse.

Distresse est le chose que est prise & distreine sur aucun tre pur rent arere, ou pur auter dutie, ou pur torte fait, coment que le proprie de chose soyt perteygne al estrange: mes si sont auers q perteygne al estrange, il couient que ils sont leuant & couchant sur mesme l' tre, cest adir, que les auers auoient este sur le tre p certain space, q ils ont eux bien repose sur la tre, ou autrement ils ne sont distreinable p rent ou seruice.

Et si vn distreine pur rent ou auter chose, sans cause loyall, donques le partie grieve- aura vn repleuin, & sur suretie troue de. pursuer son action, auera le distresse a luy redeliuer. Mesont dius choses q ne sont distreinable, viz. roabe de auter home en le meason de vn Tay- lour, ou drape en le meason de vn Fuller, Sheerman, ou Wea- uer, p ceo q ils sont common Artificers, & que le common preump-

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presumption est, que tiels choses ne sont perteygnout al Artificer, mes al auters persons que eux mittont la a ouerer.

Auxy viand nest passe distreinable, ne blees & sheues, si non q ils sont en vn chariot, p ceo que distresse couient este tous foyts de tiel chose dont le Viscount poet faire repleuin, & redeliper en auxy bon case q il suit al temps del prisel.

Auxy home poit distreyne pur homage de son Tenaunt, pur fealtie & escuage, & auter seruices, & pur fines & amerciements q sont assesse en vn Leet, mes nēy ē vn Court Baron : & auxy pur damage feasant, cestalcanoire, quāt il troue les beasts ou biens d's auts feasant tort ou incumbrant son ēre. Mes home ne poit distreyne pur ascun rent, ou chose due pur ascun terre, mes sur mesme le terre que est charge ouesq; c' : Mes ē case lou Ieo veygne a distreyner, & lauf veyant mon purpose chasc les beasts, ou port le chose dehors, al entent q Ieo ne prendra ceo p vn distresse sur le terre, donqs Ieo poy bien pursue, & si Ieo prise ceo maintenant ē le hault chemin, ou en auter soile, le prisel est loyal, auxybn la come sur la ēre charge, a quncq; la properties des bns sont.

Auxy pur fines & amerciements que sont assesse en vn Leet, vn poyt tous foyts prender les biens celuy que est islint amerce, en quecunque soyle que ils sont deims le iurisdic-
on

presumption is, that such things belong not to the Artificers, but to other persons which put them there to be wrought.

Also victuall is not distreinable, nor coine in sheaves, but if they be in a cart, for that that a distresse ought to be alwaies of such things wherof the Sheriffe may make repleuin, and deliuer again in as good case as it was at the time of the taking.

A man may distreine for homage of his Tenant, for fealty and escuage, and other seruices, and for fines and amerciements which bee assessed in a Leet, but not in a Court Baron : and also for damage feasant, that is to say, when hee findeth the beasts or goods of any other doing hurt or incumbring his ground. But a man may not distreine for any rent, or thing due for any land, but vpon the same land that is charged therewith : But in case where I come to distreine, & the other seeing my purpose, chaseth the beasts, or beareth the thing out, to the intent that I shall not take it for a distresse vpon the ground, then I may wel pursue, & if I take it presently in the highway, or in anothers ground, the taking is lawfull as well there, as vpon the land charged, to whomsoever the property of the goods be.

Also for fines and amerciements which bee assessed in a Leet, one may alway take the goods of him that is so amerced, in whose ground soever they bee within the iurisdic-
on

on of the Court, as it is said.

And when one hath taken a distresse, it behoueth him to bring it to the common Pound, or else hee may keep it in an open place, so that hee giue notice to the party, that he (if the distresse be a quicke beast) may giue to it food, and then if the beast dye for default of food, he that was distreined shall be at the losse, and then the other may distreine againe for the same rent or dutie. But if he carry the distresse to a hold, or out of the County, that the Sheriffe may not make deliuerance vpon the repleuin, then the party vpon returne of the Sheriffe shall haue a writ of *Withernam* directed to the Sheriffe, that hee take as many of his beasts, or as much goods of the other in his keeping, till he hath made deliuerance of the first distresse. And also if they be in a forlet or castle, the Sheriffe may take with him the power of the County and beat downe the castle, as appeareth by the Statute of West. 1.c. 17. Therefore look the Statute.

Districus.

Districus is sometimes used for the circuit or territory, within which a man may be thus compelled to appeare, *Brit.ca. 120.* and so also is *districio* in the *Regist.* *Orig.fo. 6.b.* Distresse in the former signification is diuided first into finite and infinite, finite is that which is limited by Law,

on del Court, vt dicitur.

Et quant vn ad prise vn distresse, il couient luy d'amesner ceo al common Pound, ou auerment il poyt garder en ouert luy, insint que il done notice al partie, que il (si le distresse soit viue auers) poyt doner a luy viand, & donques si l'auers mourust pur default de viand, celui q fuit distreyne serra a le pard, & donques l'auers poyt distreyne auer foyts pur mesme le rent ou dutie. Mes si l'amesna le Distresse a vn forlet, ou hors del Countie, q le Viscount ne poyt bien faire deliuerance sur repleuin, donques le partie sur le returne del Viscount, auera vn Brieft d' *Withernam*, direct al Viscount, que il prendra tant de ses auers, ou tant des biens l'auers en son garde, tanq il ad fait deliuerance de le prim Distresse. Auxy si sont en vn forlet ou castle, le Viscount poyt prendre oue luy le power del Countie, & abater le castle, come appiert per le Statute de *Westmonast. 1.cd. 17. Ideo vide Statutum.*

Districus.

Districus est alcun foyts vfe pur le circuit ou territoire, deins quel hōe poyt rielsme estē compel d'appearer, *Brit.ca. 120.* & insint auxy est *Districio* en le *Regist. Orig.fo. 6.b.* Distresse ē le prim signification est diuid primerme en finite & infinite, finite est ceo que est limit p Ley, que

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que tost il ferra fayt a traher le partie al trial del action, come vn foyts ou deux foits, *Veiel N.B. fo. 43.* Distres infinite est sans limitation tanque le partie vient, cōe vers vn lurie q̄ refuse d'apparear sur le certificate d̄ assise, le proces est vn *Venire facias, habeas corpora,* & distresse infinite, *Veiel N.B. fo. 113.*

Donque il est diuide en le grand distresse, come *an. 52. H. 3. cap. 7.* que *Fitzh. appel en Latine, Magnam districtionem, Nat. Bre. 126. a. & vn ordinarie distresse.* Vn grand distresse est ceo que est fayt de tous les biens & chattels que le partie ad deins le Countie, *Brit. c. 6. f. 52.* mes quere ou il ne soit aucun foyts tour vn que vn distres infinite *idem fo. 80.* oue q̄ auxy le statute d̄ *Marlebridge* semble d̄ agreer, *an. 52. H. 3. c. 7. 9. & 12.* Veies le *Veiel N. B. fo. 71. b.*

Distringas.

D*istringas* est vn Brieft direct al Viscount ou aucun aut̄ officer, luy commandant a distreyner vn p̄ vn dett al Roy, &c. ou pur son apparance al vn iour. Veies le grand diuersite d̄ cest Brieft en le table del *Register iudicial, verbo Distringas.*

Diuidend.

D*iuident* est vn parol vse ē le Statute de *Roteland, an. 10. Edw. 1.* ou est prouide, que les

how often it shall bee made to bzing the party to tryall of the action, as once or twice, *Old Nat. Brev. fo. 43.* Distresse infinite is without limitation untill the party comes, as against a *Juris* that refuseth to appeare by on certificate of assise, the proces is a *Venire facias, habeas corpora,* and distresse infinite, *Old N.B. fo. 113.*

Then it is diuided into the grand distresse, as *an. 52. H. 3. ca. 7.* which *Fitzh. calleth in Latine, Magnam districtionem, N.B. 126. a.* and an ordinary distresse. A grand distresse is that which is made of all the goods and chattels which the party hath with in the Countie, *Brit. ca. 6. fo. 52.* but see whether it be not sometimes all one with Distresse infinite, *idem fo. 80.* with whom also the Statute of *Marlebridge* seemeth to agree, *an. 52. H. 3. ca. 7. 9. & 12.* See the *Old N.B. fo. 71. b.*

Distringas.

D*istringas* is a writ directed to the Sheriffe or any other officer, commanding him to distreine for a debt to the King, &c. or for his appearing at a day. See the great diuersity of this writ in the table of the *Regist. iudicial, verbo Distringas.*

Diuidend.

D*iuident* is a word used in the Statute of *Rutland, ann. 10. Ed. 1.* where it is prouided, that the Chamberlaines

Chamberlaines of the Exchequer shall make to the Sheriffes or any of their Bailiffs, Diuidents, vntill they first receiue of them particulars, in which particulars he would haue such Diuidents parted, &c. See *an. 28. cauld. Stat. 3. ca. 2.*

Docket.

Docket is a little peece of paper or parchment written, that containeth in it the effect of a greater writing. See the Statute 2. & 3. P. & M. cap. 6. *M. West. part. 2. tit. Fines, Sect. 106.* calleth it Dogget.

Dogge-draw.

Dogge-draw is an apparant Deprehension of an offender against Venison in the Forest: there are foure kindes of them obserued by *M. Manwood. part. 2. ca. 18. numero 9.* of his Forrest Lawes, that is to say, Dog-draw, Stablestand, Back-beare, and Bloudy-hand. Dog-draw is when one is found drawing after a Deere by the sent of a hound that he leadeth in his hand.

Dogger.

Dogger is a kinde of Ship, Anno 31. Edw. 3. Stat. 3. cap. 1. Doggerfish, *ibid. cap. 2.* seemes to be fish brought in those Ships to Blackney hauen, &c. Doggermen, *An. 2. H. 8. cap. 4.*

Chamberlaines del Eschequer ne poyent sayre al Viscounts ou aucun de leur Baylifes, Diuidents, si non ils primerment receiue d'eux particulers, en quoy particulers il voile auer tiel Diuidents seü, &c. Veies *Ann. 28. eiusd. Stat. 3. cap. 2.*

Docket.

Docket est vn petit quantitie d paper ou pchmet escrie, que contein en luy l'effect de plus grand escript. Veies l'estat. de 2. & 3. P. & M. c. 6. *M. West. part. 2. tit. Fines, sect. 106.* appelle ceo Dogget.

Dogge-draw.

Dogge-draw est vn manifest deprehension d'un offender enuers Venison en le Forest: la sont quater sortes d ceux note per *M. Manwood, part. 2. cap. 18. num. 9.* de ses Forrest Leyes, cestascuoir, Dogge-draw, Stablestand, Back-bear & Bloudy-hand. Dog-draw est qnt vn estroue trahât apres vn dame, p le sent d'ur Brache que il tient en son maine.

Dogger.

Dogger est vn sort d Niese, Anno 31. Ed. 3. Stat. 3. ca. 1. Doggerfish, *ibid. c. 2.* semble estre pissons port en ceux Nieses al Blackney Hauen, &c. Doggermen, *An. 2. H. 8. ca. 4.*

Domo reparanda.

Domo reparanda est vn Bŕe,
& gist pur vn enuers son
vicine, per le chier de quel mea-
son il suppose ascun leid voile
happer a son meason & meſne,
Reg. Orig. fo. 123.

Dole-fish.

Dole-fish ſemble deſtr ceux
piſſons q̄ les fiſher-homes
annualmet employ en le North
mere, & cuſtome receiuont pur
leur allowance. Veies le Statuſ,
An. 35. H. 8. cap. 7.

Donatiue.

Donatiue est vn Benefice
merement done & collate
per le Patron a vn hōe ſans ou
presentation al Ordinarie, ou
institution per le Ordinarie, ou
induction per ſon commaundement,
F. N. B. 35. c. Veies le
Statute de 8. R. 2. cap. 4. Peter
Gregor. de Benefic. c. 11. num. 1.
ad ceux parols : Si tamen Ca-
pelle fundata per Laicos non
fuerint à Diocetano approbata,
et ut loquuntur, ſpiritualizata,
non cenſentur Beneficia, nec
ab Episcopo conferri poſſunt, ſed
sunt ſub pia diſpoſitione fun-
datoris. Pur que les founders &
leur heires poient doner tiels
Chappels ſils voilont, ſauns!'
Eueſque.

Monſieur Gwyn en le Pre-
face a ſes Lectures dit, Que le

Domo reparanda.

Domo reparanda is a writ,
and lyeth for one agatist
his neighbour, by the fall of
whoſe houſe he ſearcheth ſome hurt
ſhall be to his owne houſe, *Reg.*
Orig. fo. 153.

Dole-fish.

Dole-fish ſeemeth to bee thoſe
fiſhes which the fiſher-men
peerly employed in the North
ſeaſ, doe of cuſtome reſeue for
their allowance. See the Sta-
tute, *An. 35. H. 8. ca. 7.*

Donatiue.

Donatiue is a Benefice merly
giuen and collated by the
Patron to a man, without either
presentation to the Ordinarie, or
institution by his Ordinarie, or
induction by his commandement,
F. N. B. 35. c. See the Statute
of 8. R. 2. cap. 4. Peter Gregorie de
Beneficiis cap. 11. num. 1. hath
theſe words : But if Chappels
founded by Lay men were not
approued of by the Diocelan, and
as they terme it, ſpiritualized,
they are not accounted Benefices,
neither can they be conferred by
the Biſhop, but remain to the pi-
ous diſpoſition of the founders.
Wherefore the founders & their
heires may giue ſuch Chappels if
they will without the Biſhop.

Monſ. Gwyn in the Preface to
his Readings ſaith, That the
King

King might of ancient time found a free Chappell, and exempt it from the iurisdiction of the Diocesan: So also hee may by his Letters Patents give licence to a common person to found such a Chappell, and to ordaine that it shall be Donatiue, and not presentable, and that the Chapleine shall be deppriable by the founder or his heire, and not by the Bishop, and this seemeth to bee the originall of Donatiues in England, Fitz. saith, fol. 33.c. That there are some Chauntries which a man may give by his Letters Patents.

And all Bishopricks were of the foundation of the Kings of England, and therefore in the ancient time they were Donatiue, and given by the Kings, yet now the Bishopricks are become, by the grauntes of the Kings, eligible by their Chapter, Coke lib. 3. fol. 76.

Doomes day.

DOomes-day is a Booke that was written in the time of H. Edward the Confessor, as it is old N.B. fo. 15. and before in the title of Ancient Demesne, containing in it not onely all the lands throught England, but also all the names of those in whose hands they were at that time when the Booke was made: M. Lambert proueth, That this book was made in the time of William the Conquerour, with whom M. Camden in his Brittan. p. 94.

Roy puit d' veiel temps founder vn frank Chappel, & ceo exempter del iurisdiction d' l' Diocesan: Il s'ent auxy il puit p' ses Letters Patents doner congee a vn common person de founder tiel Chappel, & de ordeigner, q' il serra Donatiue, & nient presentable, & que le Chapleine serra deppriable per le founder & ses heires, & nemy per le Euesque, & ceo semble estre le original de Donatiues en Engleterre, Fitz. dit, fo. 33.c. Que la sont aucuns Chauntries que home poit doner per ses Letters Patents.

Et tous Euesqueries furent del foundation de Royes Dengleterre, & pur ceo en ancien temps ils fueront Donatiue, & dones per les Royes; vncore iammes les Euesqueries sont deuaigne, p' les grants del Royes, eligible per leur Chapitre, Co. li. 3. fo. 76.

Doomes day.

DOomes day est vn lieur que fuit escrie en le temps de S. Edward le Confessour, come est viel N.B. fol. 15. & deuant en le title *Auncient Demesne*, contenant en c' non solement tous les terres per Engleterre, mes auxy tous les nosmes de ceux e' queux maines ils fueront a cel temps q'at le lieure fuit fait M. Lambert proua, Que cest lieur fuit fait e' le t'eps d' *Guliesme* le Conquerer oue que Monsieur Camden en son Brittan. p. 94. agreea,

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agrees, ceo prouant hors d' *Iugulphus* que flourie mesme le temps, que touchant le contents d' ceo ad ceux parolx : *Totam terram descripsit ; nec erat Hida in tota Anglia, quin valorem eius & possessorem sciuit, nec lacus nec locus aliquis quin in Regis rotulo extitit descriptus, ac eius redditus & prouentus, ipsa possessio & eius possessor Regie notitie manifestatus, iuxta Taxatorum fidem, qui electi de qualibet Patrie Territorium proprium describebant. Iste Rotulus vocatus est Rotulus Wintonie ; & ab Anglis pro sua generalitate, quod omnia Tenementa totius terre continuit, Doomes Day cognominatur. Et cest Lieure est ascun foits appel Liber Iudicatorum, quia in eo regni descriptio diligens continetur : & tam de tempore Regis Edward', quam de tempore Regis Gulielmi, sub quo factus est, singulorum fundorum valentia exprimitur.*

agreeth, prouing it out of *Iugulphus* that flourished the same time, who touching the contents thereof hath these words : It describeth the whole land ; neither was there one Hide in all England whose value and possessor was vnknowne, neither any poole nor place not described in the Kings Roll, and the rent, profits, possession it selfe and possessor not made knowne to the King according to the fidelity of the Taxors, who described the same countrie wherein they were elected. That Roll is called *Rotulus Wintonie* ; and of the English for it's generalitie, for that it containeth all the tenements contained throughout the land ; it is surnamed *Doomes day*. And this Book is sometimes called *Liber Iudicatorum*, because in it is contained a diligent descriptio of the kingdom, and expresth the value of all the ground therof aswell in the time of *K. Edward*, as of the time of *K. William*, vnder whom it was compiled.

Dorture.

DOrture est vn common roome, lieu, ou chambre ou tous les Friers d'un couent dormont & giseront tout le nuit, *An. 25. H. 8. ca. 11.*

Dorture.

DOrture is a common roome, place, oz chamber where all the friers of one couent slepe and lay all night, *Anno 25. H. 8. cap. 11.*

Donor & Donee.

Donor est celuy que done terres ou tenements al auf en taile, & celuy a que il est done est appel le Donee.

Donor and Donee.

Donor is hee which giueth lands oz tenements to another in taile, and he to whom the same is given is called Donee.

Double plee.

Double Plee.

Double plee is where the defendant or tenant in any action pleadeth a plee, in the which two matters be comprehended, & every one by himself is a sufficient bar or answer to the action, then such a double plee shall not be admitted for a plee, except one depend upon another, and in such case if hee may not have the last plee without the first plee, then such a double plee shall be well suffered.

Double quarell.

Double quarell is a complaint made by any Clerke or other to the Archbishop of the Province against any inferior Ordinary, for delaying of Justice in any cause Ecclesiasticall, as to give sentence, or to institute a Clerke presented, or such like, the effect of which is, That the Archbishop taking knowledge of such delay, directeth his letters under his authenticall seale to all and singular Clerks of his Province, thereby commanding and giving authority to them and every of them to admonish the said Ordinary within nine dayes to doe the justice required, or otherwise to cite him to appeare before him or his Officiall at a day in the said letters prefixed, & there to alledge the cause of his delay:

Double plee.

Double plee est lon le defendant ou tenant en aucun action plede vn plee, en q̄ deux matters sont comprehendus, & chescun per luy meisme est vn sufficient barre ou respons al actiō, donq̄s tiel double plee ne serra commit pur plee, sinon que vn depend sur l'auter, & en tiel case si il ne poit auer le d'arrayne plee sans le primer plee, donques tiel double plee serra bien suffer.

Double quarell.

Double quarell est vn complaint fait p̄ asc' Clerke ou aut, al Archieuesque del Province enus asc' inferior Ordinary pur d'laier d' justice en ascū cause Ecclesiastical, cōe a doner sentence ou d' instituer vn Clerke presentus, ou tiels semblables, l' effect de que est, q̄ l' Archieuesque prendāt conuissance de tiel delay, directas ses letters south son seale authentique a tout & singular Clerks d' son Province, p̄ ceo eux cōmandant, & donaunt eux authoritie & chesc' d' eux d' admonisher le dit Ordinary deins neufe iours a faire le justice demand, ou auement de citer luy d' appaerer deuant luy ou son Official al vn iour en les dits lēt̄s prefixe, & la d' alledḡ le meistre d' son d'lay:

Et denierment de intimater al dit Ordinarie, que sil ne performa pas le chose enioyne ne apparust al iour assigne, il luy mesme sans auter delay procederoit de performer le Iustice require. Et ceo semble estre terme vn double querelle pur ceo que est pluis comunemēt fait enuers le Iudge, & celuy a que petition Iustice est delay.

Dower.

Dower p le ley d'l Realm, est vn portion que feme ad del terres del baron, quel per common Ley est le tierce part, & per assignement del baron per assent son pere al huis del Esglise, poit auer tant del terre son pere come est issint assigne, & issint del assignement son baron depart son terre demesne. Et Dower p custome d' ascun lieux est d' auter le moitie del terre le baron. Et auxy Dower est vn Briefe, & gist lou home est sole seisie durant le couerture penter luy & sa feme, de terres ou tenemens en fee simple ou fee taile, lou per possibilitie le issue enter eux poyent enheriter, si tiel home deuie, sa feme recouera le tierce part d' tous les terres dont le baron fuit sole seisie ascun temps durant le couerture per Briefe de Dower unde nihil habet, mesque il ne morust seisie, &

And lastly to intimate to the said Ordinary, that if hee performeth not the thing intoynd, nor appeareth at the day assigned, hee himselfe without other day will proceed to performe the Justice required. And it seemeth to be called a double Quarrell, because that it is most commonly made against the Judge, and him at whose request Justice is delayed.

Dower.

Dower by the law of the Realme, is a portion which a widow hath of the lands of her husband, which by the common Law is the third part, and by her husbands assignment by his fathers assent at the Church doore, shee may haue so much of his fathers lands, as is so assigned, and so of the husbands assignment of part of his owne land. And Dower by the custome, of some places is to haue halfe the husbands lands. And also Dower is a writ, & it lyeth where a man is sole seised during the couerture between him & his wife, of lands or tenements in fee simple, or fee taile, where by possibility the issue between them may inherit, if such a man dyer, his wife shall recouer the third part of all the lands whereof the husband was sole seised any time during the couerture by a writ of Dower unde nihil habet, though hee dyed not seised, and though

though that he made alienation thereof in his life.

But if a man befoze the Statute of Uses, 27.H.8. had lands, in the which another man, or other men were seised to his use alwaies during the coverture, and hee to whose use they were seised dyeth befoze the said Statute, his wife shall not be endowed.

And also if befoze the said Statute, two men bee seised of lands to the use of one of them, and hee to whose use, &c. dyeth befoze the said Statute, his wife shall not be endowed. Also if a woman bying a writ of Dower, she shall recover damages, for the profit run after the death of her husband, if hee dyeth seised thereof: but if any alienation or estate were made during the coverture, so that the husband died not seised, then though shee shall recover the land, yet shee shall recover no damages.

Also there is another writ of Dower, called a writ of Right of Dower, and it lyeth where a woman hath recovered part of her Dower in one Towne, & the other part she is to recover. Also in diuers cases a woman shall not haue Dower, as if the husband commit treason for the which he is attainted, then his wife shall haue no Dower.

Also if she goe away from her husband with another man in adultery, and if she be not reconciled to her husband of his

mesque il ad fait alienation & ceo en sa vie.

Mes si home deuant le Statute de Uses, 27.H.8. ad terres, en queux auter home, ou auters homes fueront seises a son oeps tous foits durant le couverture, & cestuy a q oeps ils fuerount seises deue deuant le dit Statut, la feme ne serroit endow.

Et auxy si deuant le dit Statute deux homes sont seises de terre al oeps de vn d'eux, & cesty a que oeps, &c. deue deuant le dit Statute, la feme ne ferra endow. Auxy si feme port Brieve de Dower, el recouera damages, pur le profit incurrus apres le mort la baron, sil morust de ceo seise: mes si aucun alienation ou estate soit fait durant le couverture, issint q le baron ne morust seise, donqs mesq el recouera la tre, yncor el ne recouera damages.

Auxy il est vn aurer Brieve de Dower, appel Brieve de Droit de Dower, & gist lou feme ad recouer part de sa Dower en mesme la ville, & auter part el est a recouer. Auxy en diuers cases feme nauera Dower, sicome le baron fait treason, pur que il est attaint, donque la feme nauera Dower.

Auxy si el elopa de sa baron ouesque vn auter home in adultery, & si el ne soit reconcile a son baron de son

bone volunt sans cohercion del Esglise, el ne serra endow. Veies *Littl li. i. ca. 4.*

Et issint nota, que lou per Ciuil Ley, Dower est ceo que le baron eyt oue sa feme pur le marriage, de maintenir lour ioyned estate, p les Leyes del Realme, per le parol (*Dower*) est intende, le portion que le feme puis le mort del baron, auera pur sa viuer.

Drift del Forest.

Drift del Forest nest riens forsque vn exact view & examination prise vn foits, deux foits, ou plus foits en vn an, come occasion require, queux Auers sont deins le Forest, al intent que le common en le Forest ne soit surcharge, que les Auers des Forreyners ne sont permits de commoner la, & que 'Auers que ne sont commonables poient estre expells. Veies pur ceo lestatute 32. H.8.ca.35. & *Manwoods Forest Leyes, ca. 15.*

Droit.

Droit est lou vn ad chose que fuit tolle d aurer per tort, come per disseisin, discontinuance, ou eiection, ou riels semblables, & le challenge ou claime que il ad que auoit le chose, est terme Droit.

owne will without cohercion of the Church, shee shall not be endowed. See *Lit. li. i. ca. 4.*

And so note, where in the Ciuil Law, Dower is that which the husband hath with his wife for the marriage to maintain the married estate. by the Lawes of the Realm, by the word Dower is meant such portion as the wife after her husbands death shall haue to lue on.

Drift of the Forest.

Drift of the Forest is nothing else but an exact view or examination taken once, twice, or oftener in a yeere, as occasion shall require, what Beasts there are in the Forest, to the end that the common in the Forest bee not overcharged, that the Beasts of Forreyners that haue no common there may bee auoided, and that Beasts that are not commonable may bee put out. See for this the Statute of 32. H.8.ca.35. and *Manwoods Forest Lawes, ca. 15.*

Right.

Right is where one hath a thing that was taken from another wrongfully, as by disseisin, discontinuance, or putting out, or such like, and the challenge or claime that he hath, who should haue the thing, is called Right.

If a woman release all her right to him in reuerſion, her Dower is extinct, for when the Right, which is the foundation and the principall, is released, by consequence the Action, which is but the meanes to recover, is also released. By release of all title to the land all his right is extinct. So when a man hath title either by condition or by alienation in mortmaine, the release of all his right shall extinct this title. Co. l. 8. fo. 151. 153.

Si feme release tout ſa droit à cestuy en reuerſiō, ſa Dower est extinct, car quant le Droit, que est le foundation & le principal, est release, p consequence l' action que n'est forsq le meane a recouer ceo, est auxy release. Per release de tout title al fr̄e tout ſon droit est extinct. Ilint quant home ad title ou per condition, ou per alienation en mortmaine, le release de tout ſon droit extinctera cest title, Co. lib. 8. fo. 151. 153.

Right of entrie.

Droit d'entrie.

Right of entrie is when one is seised of land in fee is there of disseised, now the Disseisor hath right to enter into the land, and may so doe when he will, or else may have a writ of Right against the Disseisor.

*D*roit d'entrie est quant vn seise de terre en fee, de ceo disseise, ore le disseisee ad droyt dentre en le fr̄e, & poit qnt il voile, ou il poit au Briefe de Droit enuers le Disseisor.

Duces tecum.

Duces tecum.

Duces tecum is a writ out of the Chancery, commanding a man to appeare there, and to bring with him some peece of evidence, or other thing that the Court would haue a sight of.

*D*uces tecum est vn Briefe hors del Chancery, commandant home pur appeare la, & de porter oue luy ascun peece d' euidence, ou auſ chose q le Court voiloit veier.

Dum non fuit compos mentis.

Dum non fuit compos mentis.

*D*um non fuit compos mentis is a writ, and it lyeth when a man that is out of his wit,

*D*um non fuit compos mentis est vn Br̄e, & gist lou hōe q est hors de son bone memory.

The Exposition of

cest adire, infant ou lunatike, alien les tres q̄ il ad ē fee simple, & deuy, donq̄s son h̄re aps son d̄cease aūa cest Briefe, mes il n̄ fiaūa cest Briefe, pur ceo q̄ hōme ne ferra receiue a disāble luy mesme. Auxy cest Briefe puit este fait en le *Per, Cui, & Post.*

that is to say, mad or lunatike, alieneth the land which he hath in fee simple, and dieth, then his heire after his decease shall haue this writ, but he himselfe shall not haue this writ, for that a man shal not be receiued to disāble himselfe. Also this writ may be made in the *Per, Cui, & Post.*

Dum fuit infra etatem.

D*um fuit infra etatem* est vn Briefe, & gift lou Enfant deins age alien sa terre que il ad en fee simple, ou pur terme de vie, quant il vient a son pleine age il auera cest Briefe, ou il puit enter s'il voile, mes il conient que il soit de pleine age iour de son Briefe purchase. Auxy si Enfant alien son terre, & deuie, son issue a son pleine age auera cest Briefe, ou puit enter, mes le issue nauera cest Briefe deins son age.

Dum fuit infra etatem.

D*um fuit infra etatem* is a writ, and it lyeth where an Infant within age alieneth his land which hee hath in fee simple, or for terme of life, when he cometh to his full age hee shall haue this writ, or hee may enter if hee will, but it beho- ueth that hee be of full age the day of his writ brought. Also if an Infant alien his land, and die, his issue at his full age shall haue this writ, or he may enter, but the issue shall not haue this writ within his age.

Duplicat.

D*uplicat* est vn second lettres Patents grantus per le Seignieur Chauncelor, en case lou il ad graunt le mesme deuant, & pur ceo sont tenus voyds per *M. Crompton* en son Iurisdiction des Courts, fo. 215.

Duplicat.

D*uplicat* is a second letters Patents graunted by the Lord Chancellor, in case where hee hath graunted the same before, and therefore they are held void by *M. Crompton* in his Iurisdiction of Courts, fo. 215.

Dureſſe.

DVreſſe is where one is kept in priſon, or reſtrained from his liberty, contrary to the order of the Law, or threatened or menaced to be killed, maimed, or greatly beaten, and if ſuch perſon ſo in priſon, or in feare of ſuch threatnings, make any ſpecialty or obligation, by reaſon of ſuch impriſonment, ſuch a deed is void in the Law, and in an action brought vpon ſuch an eſpecialty, hee may ſay, that it was made by dureſſe of impriſonment. But if a man bee arreſted vpon an action at the ſuit of another, though the cauſe of the action be not good nor true, if hee make an obligation to a ſtranger being in priſon by ſuch arreſt, yet it ſhall not be ſaid by dureſſe. But if he make an obligation to him at whoſe ſuit hee was arreſted to bee diſcharged of ſuch impriſonment, then it ſhall bee ſaid Dureſſe, as it is ſaid.

E.

Ealderman.

EAlderman amongst the Saxons was as much as Earle amongst the Danes, Camden Brit. pa. 107. And at this day we call them Aldermen, which are

Dureſſe.

DVreſſe eſt lou vn hōe eſt garde en priſon, ou reſtraîne d ſon libertie, contra-rie al order d Ley, ou menaſſe d ſte occide, mayheme, ou graundement batue; & ſi tiel pſon iſſint ē priſon, ou pauor pur tiel menaſſe, fait aſcun eſpecialtie ou obligation, per reaſon de tiel impriſonment, tiel fayt eſt voyd en le Ley, & en action port ſur tiel eſpecialtie puyt dire, que il fuit fait per dureſſe de ſon impriſonment. Mes ſi home foyt arreſt ſur aſcun action al ſuit d'un auter, meſque le cauſe del action ne ſoit bone ne voire, ſil fait aſcun obligation a vn Eſtraunge eſteant en priſon per tiel arreſt, vncore il ne ſerra dit per dureſſe. Mes ſil fait obligation a luy a que ſuit il fuit arreſt d'ee diſcharge de tiel impriſonment, donques il ſerra dit Dureſſe, vt dicitur.

E.

Ealderman.

EAlderman enſ les Saxons fuiſt taunt come Count enter les Danes, Camb. Brit. pa. 107. Et a ceſt iour nous appel-
lous ceux Aldermen, q ſont
T 4 aſſociats

The Exposition of

Associats al prim Officer en le Common Councel del ville, 24.H.8.c.13. & en alcun lieus le prim Officer luy mesme est appel Alderman.

Associates to the chiefe Officer in the Common Councell of the towne, 24.H.8 cap 13. and in some places the chiefe Officer himselfe is called Alderman.

Easement.

Easement est vn immunitie q vn vicine ad d'un aut, p charter ou prescription sauns profit, come vn voy ou vn chanel p son tre, ou tiels semblables, *Kyr.fo.105.*

Easement.

Easement is a priuiledge that one neighbour hath of another, by writing or prescription without profit, as a way or a linke through his land, or such like, *Kyr.fo.105.*

Egyptians.

Egyptians vulgariter vocati *Gipsies*, sont counterfeit Vagabonds, Wallois ou Anglois, que eux mesmes disguise en roabes & language, & vagueront per le Pais, pretendant d'auer science en palmestry, & issint deceiue le vulgar, mes viuont principalement per embler & embeahiler des biens. Et pur ceo l'Estatures 1. & 2. *Mar. cap.4. & 5. Eliz. cap.20.* fueront fayts p le punishment des tiels persons come felons, fils ne departont le Realme, ou issint continue per vn moys.

Egyptians.

Egyptians commonly called *Gipsies*, are counterfeite Rogues, Welch or English, that disguise themselves in speech and apparrell, and wander by and downe the Countrey, pretending to haue skill in telling of fortunes, and so deceiue the common people, but liue chiefly by fitching and Kealing, and therefore the Statutes of 1. & 2. *Mar. cap.4. & 5. Eliz. cap.20.* were made to punish such as fe long, if they departed not the Realme, or continued so a moneth.

Eiectione firma.

Eiectione firma, vide de ceo En le title *Quare eiecit infra terminum.*

Eiectione firma.

Eiectione firma, looke for that in the title *Quare eiecit infra terminum.*

Eiectione

Eieement de gard.

Eieement de gard, look for that
in the title of Gard.

Eieement de gard.

Eieement de gard, veies de
c' en le tide Gard.

Eire Iustices.

Eire Iustices, or Itinerant, as
we call them. were Iustices
that used to ride from place to
place throughout the Realme to
administer iustice.

And these Iustices had au-
thoritie in ancient times to
grant land that was seised
for the King for Alienation
without licence, for then Ju-
stices in Eyre might haue
granted such land in fee, ren-
ding rent as Iustices of the
forest, who in effect, as to
this purpose, are Iustices in
Eyre at this day, may of
lands inclosed within a for-
rest, without the Kings li-
cence, Cok li. 2. fo. 80.

Eire Iustices.

Eire Iustices, ou Itinerant,
Cōe nous appel eux, sucrone
Iustices q' vse de equitate de
lieu al lieu p' tout le Realme
p' administrer iustice.

Et ceux Iustices auoient au-
thoritie en antient temps a
granter terre que fuit seisie p'
le Roy pur Alienation sauns
Licence, car adonques Iusti-
ces en Eyre puissoient auer
graunt tiel t're en fee, rendant
rent come Iustices del For-
rest, que en effect quant a
cest purpōse sont Iustices en
Eyre a cest iour, poyent d' ter-
res enclose deins vn Forrest,
sauns congee le Roy, Coke
lib. 2. fo. 80.

Election.

Election is when a man is
left to his owne free will,
to take or doe one thing or an-
other which hee pleaseth: As if
A. couenanteth to pay B. a
pound of pepper or saffron be-
fore whitsontide, it is at the e-
lection of A. at all times be-
fore whitsontide, which of
them hee will pay, but if hee
payes it not before the said

Election.

Election est quant home est
claise a son frank arbitre-
ment demesne de prender ou
faire vn chose ou auter que il
voile: Come si A. couenant
de payer al B. vn liuer de pep-
per ou saffron deuant Pentico-
st, est al election de A. tout
temps deuant Penticoct, que
d' eux il voile payer, mes
sil ne cco paya deuant le dit

The Exposition of

Feast, dunque enap̄s est al election de B. p̄ auer son action pur quel a luy pleist, ou del Pepper ou d̄l Saffron, Dy. f. 18. pl. 104.

Il s̄int si home done a vn auter son Chiuall ou Vache, le Donee poit prendre l'un ou l'auter a son election : Mes si fuit que il donera en le futur temps, la le Donee ne poit prendre l'un ou l'auter, car dunque l' election est en le donoz, 21. H. 7. 19.

Auxy si vn Iustice d̄ Peace direct son garrant a vn Constable, dameśn le party attach devant luy ou aut Iustice, est al election del Constable dal' a quel Iustice que a luy pleist, *Co. li. 5. fo. 59.* & en meisme le manner est en plusors auters cases.

Elegit.

Tener per *Elegit* est lou home ad recouer det ou damage per Briefe deuers vn auter per conufance, ou en auter manner, il auera deins le anne d̄uers luy vn Briefe iudicial, nosme *Elegit*, dauer execution d̄ moitie de tous ses terres & chattels, (except Boefs & Auers a la carues) tanque le dette ou damages soyent ousterment leuies ou payes a luy, & durant cest t̄me il est tenant p̄ *Elegit*.

Et nota, Sil soyt ousta

Feast, then afterward it is at the election of B. to haue his action for which he pleaseeth, either of the Pepper or of the Saffron, Dy. fo. 18. pl. 104.

So if a man giueth to another his Horse or Cow, the Donee may take the one or the other at his election : But if it was that he will giue in the future tense, there the Donee cannot take the one nor the other, for then the election is in the donoz, 21. H. 7. 19.

Also if a Justice of Peace directeth his warrant to a Constable, to bring the party apprehended before him. or another Justice, it is in the election of the Constable to goe to what Justice he pleaseeth, *Co. li. 5. f. 59.* and in the same wise it is in many other cases.

Elegit.

To hold by *Elegit*, is where a man hath recovered debt or damage by a writ against another by confession, or in other manner, he shall haue with-in the yeere against him a writ iudicial, called *Elegit*, to haue execution of the halfe of all his lands and chattels, (except Oxen and Beasts of the plow) till the debt and damages bee wholly lent and paid to him, and during the terme hee is tenant by *Elegit*.

And note, That if be he put out

Within the terme, he shall haue
Assise of Nouel Disseisin, and af-
ter a Redisseisin if need be, and
this is giuen by the Statute of
Westmunst. 2. cap. 18.

And also by the equity of the
said Statute, he that hath his
estate, if he be put out shall haue
Assise and Redisseisin if need be.
And also if he make his execu-
tors and die, and his executors
enter, and after be put out, they
shall haue by the equity of the
same Statute such action as
hee himselfe besoze said. And if
he be put out and after make his
executors and die, his executors
may enter, and if they bee stop-
ped of their entry, they shall
haue a writ of Trespasse vpon
their matter and case.

And note well, if he doe waste
in all the land or parcell, the
other shall haue against him
immediately a writ iudiciall out
of the first Record, called *Ve-
nire facias ad computandum*, by
which it shall be enquired if he
haue leuied all the money or
parcell, and if hee haue not le-
uied the money, then it shall be
inquired to how much the
waste amounteth, and if the
waste amount but to parcell,
then as much of the money as
the waste amounteth vnto shall
be abridged of the foresaid mo-
ney which was to bee leuied.
But if hee haue done more
waste than the foresaid summe
of money which was to bee le-
uied amounteth, the other shall

deins le terme, il auera Assise
de Nouel Disseisin, & apres
vn Redisseisin, si besoigne
soyt, & cest done p l' Estatut
de Westmonast. 2. cap. 18.

Et auxy per l'equitie de
mesme le Statute, celuy que ad
son estat, sil soit ousta, aua
Assise & Redisseisin si besoign
soyt. Et auxy sil face ses exe-
cutors & deuie, & ses execu-
tors entrent, & puis soyent
oustes, ils auont per l'equitie
de mesme le Statute tiel acti-
on cōe luy mesme suifdit. Mes
sil soyt ouste, & puis fait ses
executors & deuie, ses execu-
tors purront enter, & sils soy-
ent estoppes de leur entree,
ils aueront vn Brieue d' Tres-
pas sur leur matter & case.

Et nota, sil face waste en
tout le terre, ou en parcell, laut
auera enuers luy maintenaunt
vn Brieue iudicial hors de le
primer Recorde, appelle *Ve-
nire facias ad computandum*,
per force de quel serra in-
quise sil ad leuy tous les de-
niers ou parcell, & sil n'ad le-
uie les deniers, donques ser-
ra inquise a quaut le waste
amounte, & si le waste a-
mounte sinon a parcell, don-
ques tants des deniers que
le waste amounte, serra a-
bridge de les suifdits deniers
queux fuerount destre le-
uies. Mes sil ad fayt pluis
waste que l' auantdit summe
d' argent que fuit a estre
leuie amount, laut serra

The Exposition of

discharge maintenaunt de tous les deniers suisdits, & recouera la terre. Et pur la superfluitie d' waste fayt, ouster ceo que amounte a le dit somme, il recouera ses damages single, & mesme le Ley est de les Executors, & auxy d' cestuy que ad son estate.

Et nota, sil alien en fee, ou a terme de vie, ou en Taile, tout le terre ou parcel de la terre, que il tient per *Elegit*, si l' Alienation soyt fait deins le terme ou apres, cestuy que ad droit auera vers luy vn Assise de *Nouel Disseisin*. Et couient que ils soyent mis en l' Assise ambideux, auxy bien l' Alienor cōc l' Alienee, & non obstant que l' Alienor deuie maintenant, vncore cestuy que ad droyt, auera vers l' Alienee sole Assise, come sil vst estre son simple Tenant a terme d' ans. Et ceo est per l' equitie del Statute de *Westminster. 2. cap. 25.* pur ceo que il nad forsque chartel en effect: & mesme l' Ley est de ses Executors, & d' cestuy que ad son estate, come est suisdit.

Et nota, Que en *Elegit*, si le Viscount retourne, que il auoit riens iour de la Recognissance fayt, mes que il purchase ēre puis le temps, adonqs le partie Plaintife auera nouel Briefe de auer execution de ceo: mesme le Ley est de vn Estature Merchant.

discharged by and by of all the said money, and shall recouer the land. And for the superfluity of the waste made aboue that that amounteth to the said summe, he shal recouer his damages single, and the same Law is of his Executors, and also of him that hath his estate.

And note, that if hee alien in fee for terme of life, or in taile, all or parcell of the land which hee holdeth by *Elegit*, if the Alienation be made within the terme or after, hee which hath right shall haue against him an Assise of *Nouel Disseisin*. And they both must be put in the Assise, the Alienor and the Alienee, and notwithstanding that the Alienor dye presently, yet hee which hath right shall haue Assise against the Alienee alone, as if the Alienee had been a plaine Tenant for terme of yeeres, and that is by the equity of the Statute of Westminster. 2. cap. 25. for that that hee hath not but a chattell in effect: and the same Law is of his Executors, and of him which hath his estate, as is aforesaid.

And note well, That in *Elegit*, if the Sheriffe retourne, that hee hath nothing the day of the Recognizance made, but that he purchased lands after the time, then the party Plaintife shall haue a new writ to haue execution thereof: the same Law is of a Statute Merchant.

And note well, That after a *Fieri facias* a man may haue the *Elegit*, but not contrariwise, for that the *Elegit* is of more higher nature than the *Fieri facias*.

And note well, That if a man recouer by a writ of Debt, and sueth a *Fieri facias*, and the Sheriffe returne, that the Defendant hath nothing whereof hee may satisfie the debt to the party, then the Plaintife shall haue *Elegit*, or *Caput sicut alias*, & a *Pluries*. And if the Sheriffe return to the *Capias*, *Mato vobis corpus* and hee haue nothing whereof he may make satisfaction to the party, he shalbe sent to the prison of the Fleet, and there shall abide untill he haue made agreement with the party, & if the Sheriffe return *Non est inuenus*, then there shall goe forth an *Exigent* against him.

And note well, That in a writ of Debt brought against a Parson of holy Church, which hath nothing of Lay fee, and the Sheriffe returneth, that he may not be summoned, then shall the Plaintife sue a writ to the Bishop, that hee make his Clerke to come, & the Bishop shall make him to come by sequestration of the Church.

And note well, That if a man bring a writ of Debt, & recouer, & make his Executors, & die, they shall not haue execution, notwithstanding that it be writ in the yeere by a *Fieri facias*.

Et nota, Que apres le *Fieri facias* vn home poit auer le *Elegit*, mes non cont' entaunt que le *Elegit* est d' plus haulte nature que le *Fieri facias*.

Et nota, Que si home recou per Brieve de Det, & sue vn *Fieri facias*, & le Viscount returne, que le Defendant nad riens dont il poyt fayre gree a le partie, donques le Plaintife auera vn *Elegit*, ou vn *Capias sicut alias*, & *Pluries*. Et si Viscount returne a le *Capias*, *Mitto vobis corpus*, & il nad riens dont il poit fait gree al partie, il serra maund al gaile del Fleet, & illongues demur tantque il ad fait gree al partie, & si le Viscount returne, *Non est inuentus*, adonques issera *Lexigent* enuers luy.

Et nota, Que en Brieve de Dette port deuers Parson de Saint Eglise, que nad rien de Lay Fee, & le Viscount retourne, que il nad riens per que il poit estre summe, adonques le Plaintife suera Brieve al Euesque, que il face yener son Clerke, & Leuesque luy serra vener per sequestration del Eglise.

Et nota bene, Que si home port Brieve de Det, & reconer, & faces ses Executors, & deuie, ils naueront execution, non obstant que il soit deins l' an per vn *Fieri facias*.

Elopement.

ELopement est quant feme
Espouse departa de son ba-
ron oue vn adulterer, & oue l'
adulterer demurra sauns vo-
luntarie reconcilement a sa
baron, per ceo el perdra sa
Dower per le Statute & *West-*
monast. 2. cap. 34. sur que vn
Verse ad estre fait en cel
manner :

*Sponte virum mulier fugiens,
& adultera facta,*

*Dote sua careat, nisi sponso
sponte retracta.*

Embleaments.

EMbleaments sont les pro-
fits de terre que ad estre
semy, & en ascuns cafes cestuy
que ceo emblea eux auera, &
en ascuns nemy : come si te-
naunt pur vie emblea le terre,
& apres morust, les executors
del tenaunt pur vie auera les
Embleaments, & nemy cestuy
en reuerfion.

Mes si tenaunt pur ans em-
blea le terre, & deuant que
il ad seuer les Embleaments
del terre son terme expire,
ore le Lessor ou cestuy en re-
uerfion auera les Embleaments,
& nemy le Lessee pur ans.
Si vn disseise moy, & succide
les Embleaments cressants sur
le terre, & puis leo re-enter,

Elopement.

ELopement is when a marri-
ed woman departeth from
her husband with an adulterer,
and dwelleth with the adulte-
rer without voluntary recon-
cilement to her husband, by
that she shall lose her dower by
the Statute of *Westm. 2. cap. 34.*
whereupon a Verse hath been
made in this manner :

(leaves,
The woman that her husband
And in adultery leads her life,

If that he dye vnreconcil'd,
The Law endoweth no such wife.

Embleaments.

EMbleaments are the profits
of the land which haue been
sowed, and in some cases hee
which sowed them shall haue
them, and in some not : as if te-
nant for life sow the land, and
afterwards byeth, the executors
of the tenant for life shall haue
the Embleaments, and not hee
in reuerfion.

But if tenant for yeeres sow
the land, and before that he hath
seuered the Embleaments from
the land his terme expireth,
there the Lessor, or he in reuer-
fion shall haue the Embleaments,
and not the Lessee for yeeres. If
one disseiseth mee, and cuts the
Embleaments growing vpon the
land, & afterwards I re-enter,
I shall

I shall haue an action of Tres-
passe against him for the Em-
bleaments; but if my Disseisor
maketh a feoffement in fee, or
leaseth the land whereof he dis-
seised mee, & the Feoffee or Les-
see taketh the Embleaments;
and after I re-enter, I shall
not haue trespass *Vi & armis* a-
gainst them which come in by
title, but against my Disseisor,
Cok.lib. 11. fo. 51.

If a woman Copiholder du-
ring her widowhood, according
to the custome of the Mannor
soweth the land, and befoze the
seuerance of the Embleaments
she taketh a husband, the Lord
shall haue the Embleaments.
So if a woman seised of land
during her widowhood maketh
a lease for yeeres, and the Les-
see soweth the land, and the wo-
man taketh a husband, there
the Lessee shall not haue the
Embleaments, although his es-
tate be determined by the act of
a stranger. And although it is
commonly held in our Bookes,
That if a man leaseth lands at
will, and after the Lessee sow-
eth the land, and then the will
is determined that the Lessee
shall haue the Embleaments,
yet if the Lessee himselfe deter-
mines the will befoze the seue-
rance of the corne, hee shall
not haue the Embleaments, See
Co.li. 5. fo. 116.

Ieo auera action de Tres-
passe vers luy pur les Emble-
aments; mes si mon Dissei-
sor fait feoffement en fee ou
lella le terre dont il moy dis-
seisist, & le Feoffee ou Lessee
prist les Embleaments, & puis
Ieo re-enter, Ieo nauera tres-
passe *Vi & armis* vers eux
queux veignent eins per ti-
tle, mes vers mon Disseisor,
Cok.lib. 11. fol. 51.

Si feme Copiholder *Duran-
te viduitate sua*, solonque le
custome del Mannor emblea
le terre, & deuant le seue-
rance des Embleaments el
prist baron, le Seignieur auera
les Embleaments. Issint si
feme seisie de terre *Durante
viduitate*, fait vn lease pur
ans, & le Lessee emblea le ter-
re, & puis la feme prist ba-
ron, ore le Lessee nauera les
Embleaments coment que son
estate est determine per l'act
d'un estranger. Et nient ob-
stant que est communement
tenus en nostre Lieurs, que
si home lella terres a volunt,
& puis le Lessee emblea le
terre, & puis le volunt est
determine, que le Lessee au-
uera les Embleaments, vn-
core si le Lessee luy mesme
determine le volunt deuant
le seuerance des blees il na-
uera les Embleaments. Veies
Cok.li. 5. fo. 116.

Embrasour

**Embrasour ou Em-
braceour.**

EMbrasour ou Embraceour,
est celuy, que quant vn
matter est é trial perenter par-
tie & partie, vient al barre oue
vn del parties (ayant resceiue
ascun reward pur issint faire)
& parle en le case, ou preuey-
ment labor le Iurie, ou estoia
la pur surueier ou suruieu eux
per cest meanes de mitter eux
en pauour & dout del matter.
Mes homes que sont erudite
en Ley, poient parler en le
case pur lour Clients.

Emparlance.

Emparlance est quant hōe
esteant a responder al
action ou suit d'un auter pria
ascun temps de respite de luy
mesme aduiser le meux que il
respondera; & nest auter for-
que continuance del cause al
vn iour ouster.

Et pur ceo cōment le Plain-
tife (en Banke le Roy) apres
le Barre plede, ad iour de re-
ply deux ou trois Termes a-
pres, vncore nul mention fer-
ra fait en le Rolle d'ascū em-
parlance ou continuance, mes
l'entry serra generalment, &
entend d'ist mesme le Terme.
Mes auterment est d'vn
Barre, car ceo conteine l'im-
parlance ou continuance, &
est en tiel forme : *Et modo ad*

**Embrasour or Em-
braceour.**

EMbrasour or Embraceour, is
he that when a matter is in
triall between party and party,
cometh to the Barre with one
of the parties (hening recei-
ued some reward so to doe) and
speaketh in the case, or prou-
laboureth the Iurie, or stand-
eth there to suruey or over-
looke them, thereby to put them
in feare and doubt of the mat-
ter. But men that are learned
in the Law may speake in the
case for their Clients.

Emparlance.

Emparlance is when a man
being to answer to the suit
or action of another, desireth
some time of respit to aduise
himselfe the better what he shall
answer; and it is nothing else
but a continuance of the cause
vntill a further day.

And for this although the
Plaintiffe (in the Kings Bench)
after the Barre pleaded, hath
time to reply two or three
Termes after, yet no mention
shall be made in the Roll of any
emparlance or continuance, but
the entry shall be generall, & so
intended to be the same Terme.
But it is otherwise with a
Barre, for it containeth the em-
parlance or continuance, and
is in this manner: And now at
this

this day, that is, Friday, &c. in the same Terme, vntill which day the aforesaid A. had licence to impaile, &c.

But there is no such entry vpon any replication or reply: See Coke, lib. 5. f. 75. Brit. cap. 53. weth this word for the conference of a Iurie vpon the busines to them committed.

bunc diem, scilicet diē Veneris &c. Iste eodem termino, v/q; ad quem diem prædictum A. habuit licentiam interloquendi, &c.

Mes nul tiel entrie est la fait sur asc' replication ou rejoindre. Veies Coke. li. 5. fo 79. Brit. cap. 53. vñ cest parol pur le conference d'un Iurie sur le cause a eux commise.

Encroachment.

Encroachment comes from the french word *Accrocher* that is, to pull or draw to. And it signifies in our common Law an unlawfull gaining vpon the right or possession of another. And so a Rent is said to be encroched, when the Lord by distresse or otherwise compells the tenant to pay more rent than he ought, or than hee need. See Bucknals case, 9. rep. fol. 33. So when a man sets his hedge or his wall too far into the land or ground of his neighbour that lies next him, hee is said to incroch vpon his neighbour.

Encroachment.

Encroachment venust del parol Francois *Accrocher*, id est, apprehendere. Et signifie en nre common Ley vn illoyal ganier sur le droit ou possession d'un autre. Et ainsi vn rent est dit estre encroch, qnt le Seignior p cohercion del distresse ou autrement compel le tnt pur paier plus rent q besoigne ou q doit. Veies Bucknals case, 9. rep. fol. 33. Ainsi quant home mist son hay ou mure en le terre cey vicine que gist prochain a luy, il est dit pur incrocher sur son vicine.

Enchefon.

Enchefon is a french word much vñd in our Law books, as in the Statute of 50. E. 3. cap. 3. and it signifies as much as the occasion, cause, or reason for which any thing is done. So it is vñd by

Enchefon.

Enchefon est vn parol Francois mult vñe en les liuers de nre Ley, come en lestatute 50. E. 3. cap. 3. & signifie tant come occasion, cause, ou reason pur que ascun chose est fait. Ainsi est vñe per

V

Siamford.

Stamford, lib. 1. cap. 12. en son description dun Deodand.

Stamford, lib. 1. cap. 12. in his description of a Deodand.

Enditement.

ENDitement venust del Francois *Enditer*, id est, Indicare. Et est vn Bill ou Declaration en forme del Ley, exhibit per voy del accusation vers home pur ascun offence ou criminall ou penall, & preferre as Jurors, & per leur verdict troue & presentus deestre voyer deuant vn Iudge ou Officer que ad poiar de punier ou certifier l'offence.

Endowment.

ENDowment, *Dotatio* signifie ppermt le doner ou assurer del dower al feme. Mes est ascun foits vse p vn Metaphor pur le mitter hors ou seuerance dū sufficient part ou portio al vn Vicar pur son perpetuall maintenāce qnt le Benefice est appropriy. Et issint est vse en les Statutes 15.R.2. cap.6. & 4.H.4.cap.12.

Enfranchisement.

ENfranchisement est quant home est incorporate en ascun Societie ou Corps politique : Issint si Alien neo soit fait Denisen Dengleterre, il est dit deest enfranchise; & cestuy que est fait vn Citizen d Londres, ou autre Ville Coporate,

Indictment.

INDictment comes of the French *Enditer*, that is, to set a man out as he is. And it is a Bill or Declaration in forme of Law, exhibited by way of accusation against one for some offence either criminall or penall, and preferred vnto Jurors, and by their verdict found presented to be true before a Judge or Officer that hath power to punish or certifie the offence.

Indowment.

INDowment, *Dotatio* signifies properly the giving or assigning of dower to a woman. But it is sometimes by a Metaphor vled for the setting out or seuering of a sufficient part or portion to a Vicar for his perpetuall maintenance when the Benefice is appropriated. And so it is vled in the Statutes of 15.R.2.ca.6. and 4.H.4.ca.12.

Enfranchisement.

ENfranchisement is when a man is incorporated into any Society or Body polittike : So if an Alien bozne bee made Denizen of England, he is said to be enfranchised; & he that is made a Citizen of London, or other Town Coporate, because

because that he is made partaker of those libertties which belong to the Corporation whereinto he is enfranchised.

And when a man is enfranchised into a Citie or Borough, he hath a freehold in his free-dome for his life, and with others in their politique capacite, hath inheritance in the lands of the said Corporation, wherefore the thing which shall be the cause of his dis-infranchisement ought to be an act or deed, and not onely an endeavouring or enterprising whereof hee may repent before it be put in execution: And what shall bee sufficient cause to dis-infranchise a freeman, and what not, See Coke, lib. 11. in James Baggs case, fol. 98.

pur ceo que il est fait pernour de ceux franchises, queu x appent al Corporation en que il est enfranchise.

Et quant home est enfranchise en vn Citie ou Borough, il ad franktenement en son freedome pur son vie, & oue auters en leur politique capacite, ad enheritance en les terres d'l dit Corporation, pur que le matter que serra cause d son dis-infranchisement couient estre vn act ou fait, & nemy conation ou enterprise dont il poit repent deuant l' execution de ceo: Et que serra sufficient cause de dis-infranchiser vn frank-home, & que nemy, Veies Coke, lib. 11. en laques Baggs Case, fol. 98.

Englesherie.

Englesherie is an old word, which signifieth nothing else but to bee an Englishman: For in ancient time, as appeareth by Bracton, lib. 3. Tract. 2. cap. 15. fol. 134. If a man had been slaine or murdered, hee was accounted to bee Francigena, which word implieth every Alien until Englesherie were proued, that is, until it was made manifest that he was an Englishman: The originall whereof was on this wise:

Kanutus the Danish King

Englesherie.

Englesherie est vn veiel parol, que riens auter imply forsque destre vn home Anglois: Car en auncient temps, come appiert per Bracton, lib. 3. Tract. 2. cap. 15. fo. 134. Si vn home ad este tue ou murdre il fuit account destre Francigena, quel parol emplia chescun Alien, ielsq Englesherie fuit prooue, ceo est, ielsque il fuit fait manifest que il fuit vn home Anglois: Le commencement d quel fuit en tiel manner:

Kanutus le Roy des Danes

V 2

ayant

The Exposition of

ayant establie son estate cy en peace, al prier de nostre Barons discharga le Terre de ses Armies, en que il reposa son greinder safetie, sur cest condition, que les Barons voient doner consent a vn Ley, Que quecunque tuera vn Alien, & fuit attache, & ne puit luy mesme acquitter, il serroit subiect al Iustice : Mes si le homicide escapa, & ne puit estre prise, donque le Ville ou le home fuit occide, forfeitera. 66. Merques al Roy, & si le Ville ne fuit able de ceo paier, donque le Hundred forfeitera & paiera ceo al Treasure le Roy, & ouster que chescun home murdre serroit account *Francigena*, sinon que Englesherie fuit prooue ; & coment il serroit prooue, veies *Bracton* en mesme le Chap. Num. 7. Auxe veies *Horns Mirrour de Iustices*, Lib. 1. cap. del Office del Coroner, & *Fleta*, lib. 1. cap. 30. Cest Englesherie pur les abuses & torts que fueront en apres perceiue a surder de ceo, fuit tout ousterment abolish per vn Statute, fait Anno 14. Edw. 3. cap. 4. Veies *Coke*, lib. 7. fo. 16. *Caluins Case*.

hauing established his estate here in peace, at the request of our Barons discharged his Land of his Armies, where in hee reposed his greatest safetie, upon this condition, That the Barons would giue consent to a Law, That whosoener should kill an Alien, and was apprehended, and could not acquite himselfe, hee should bee liable to Justice : But if the manslayer escaped, and could not bee taken, then the Towne where the man was slaine, should forfeit sixty Ore Markes to the King, and if the Towne was not able to pay it, then the Hundred should forfeit and pay this to the Kings Treasure, and further, That every man murdered should bee accounted *Francigena*, unless that Englesherie were proued ; and how it should bee proued, see *Bracton* in the same Chapter, Num. 7. Also see *Horns Mirrour of Iustices*, Lib. 1. cap. of the Office of Coroners, and *Fleta*, Lib. 1. cap. 30. This Englesherie for the abuses and grienances which were afterwards perceived to arise therefrom, was altogether abolished by a Statute made Anno 14. Edw. 3. cap. 4. See *Coke*, lib. 7. fol. 16. *Caluins Case*.

Enheritance.

Enheritance.

ENheritance is such estate in Lands or Tenements, or other things, as may bee inherited by the heire, whether it bee in estate of fee simple, or taile, by descent from any of his Ancestors, or by his owne purchase.

And Inheritance is diuided into two sorts: that is to say, Inheritance Corporate, and Inheritance Incorporeate.

Inheritance Corporate are mesuages, lands, meddowes, pastures, rents, and such like, that haue substance in themselves, and may continue alwaies: And these are called Corporall things.

Inheritance Incorporeate are Adowsons, Villaines, Wayes, Commons, Courts, Fishings, and such like, that are or may be appendant or appurtenant to Inheritances Incorporeate.

The eldest part.

ENitia pars is that part that by partition amongst coparceners falls vnto the eldest sister or auntiest coparcener, as it appeares by M. Littleton, sect. 245. And it is called Enitia pars from the French word Eigne or Aisne, that is, the first bozne.

Enheritance.

ENheritance est tiel estate en Terres ou Tenements, ou auters choses, que poyent estre inherit per le heire, soit ceo de estate en fee simple, ou taile, per descent de aucun de ses Ancestors, ou per son purchase demesne.

Et Enheritance est diuidee en deux sorts: Cestascuoir, Enheritance Corporate, & Enheritance Incorporeate.

Enheritance Corporate sont mesuages, tres, prees, pastures, rents, & tiels semblables, que ont substance en eux mesmes, & poient continuer tout tēps: Et ceux sont appel choses Corporal:

Enheritance Incorporeate sont Aduowsons, Villeyes, Wayes, Commons, Courts, Piscaries, & tiels semblables, q sont, ou poyent estre appēdēt ou appartenant a Inheritance Incorporeate.

Enitia pars.

ENitia pars est ceo part q sur partition enter coparceners eschue al eigne soer ou eigne coparcener, come appiert per Monsieur Littleton, sect. 245. Et est appelle Enitia pars, ou Eincia pars del parol Francois Eigne ou Aisne, id est, primogenitus.

The Exposition of

Enquest.

ENquest est ceo inquirie que est fait per Iurors en tous causes ciuill ou criminall touchant le matter en fait. Et tiel enquest est ascun foits ex officio & ascun foits ex prece partium; Et cest parol est vse en lestatutes d' 25.E.3. cap.3. 28.E.3.cap.13. Et fere en tous Statutes quex parlont des trials per Iurors.

Entendment.

ENtendment est vn commō parol en nostre Ley, quant asc' chose est en auerust doncue per intendement il serra ascun foits fait bone. Come si Inquisition soit troue deuant le Coroner, q vn home fuit murdre al A. que est vn franchise, & nest dit en l' Inquisition, al A. deins le franchise de A. vncore ceo serra bone per entendment, car paduement le franchise poit extender ouster le Ville, mes que le Ville mesme serra presume d' estre hors del franchise del Ville est vn captious construction, pur que l' Inquisition serra bon p entendment, *Coke, lib.5. fol.121. Veies Kitch.fo.224.*

Inquisition.

ENquest is that inquiry which is made by Iurors in all causes ciuill or criminall touching the matter in fact. And such inquiry is either of office or at the nile of the parties: And this word is vbled in the Statutes of 25.E.3. cap.3. 28.E.3. cap.13. And almost in all Statutes that speak of trials by Iurors.

Entendment.

ENtendment is a vsuall word in our Law, when a thing is in doubt, then by intendment it shall sometimes bee made good. As if an Inquisition bee found before a Coroner, that a man was murdered at A. which is a libertie, and it is not said in the Inquisition, at A. within the liberty of A. yet it shall be good by entendment, for peradventure the libertie may extend beyond the Towne, but that the Towne it selfe shall be presumed to bee out of the liberty of the Towne is a captious construction, wherefore the Inquisition shall bee good by entendment, *Cok.li.5.fo.121. See Kitch.fo.224.*

Enterpleader.

Enterpleader.

ENterpleader is when in any cause a matter happeneth, which of necessitie ought to be discusse before the principall cause it selfe bee determined: And for this, if two persons bee found heire to land by two severall offices in one county, by this the King is in doubt to whom he shall make liuerie, for which cause before liuerie made, hee will haue them interplead, and thereby determine to whom it shall bee made. See Coke lib.7. fol.45. Stam. Prer. cap.19. Bro. tit. Enterpleader.

Enterpleader.

ENterpleader est quant en aucun cause vn chose eschia que de necessitie doyt este discusse deuant le principal cause mesme soit determine: Et p ceo si deux psons sont troue heire al terre, per deux seual offices e vn countie, per ceo le Roy est en auerust a que il ferra liuery, pur quel cause, deuant que liuerie soit fait, il voile eux auer enterpleader, & per ceo determine a que il ferra fayt. Veies Coke li.7.fol.45. Stam. Prer.ca.19. Brooke,tit. Enterpleader.

Entire Tenancie.

ENtire Tenancie is that which is contrary to severall tenancie, and signifieth a sole possession in one man, where the other signifieth ioynt or common in more. See Bro. Seuerall Tenancie, and the old booke of Entries, vnder this title.

Entire Tenancie.

ENtire Tenancie est ceo que est contrarie al seuerall tenancie, & implie vn sole possession en vn home, ou l'auter implia ioynt ou common en plusors. Veies Brooke, Seuerall Tenancie, & le veiel lieure de Entries, south cest title.

Entre.

ENtre is where a man entreteth into any lands or tenements in his proper person, or any other by his commandement.

Also there bee diuers wordes of entre which bee in diuers

Entre.

ENtre est lou vn home entre en aucun terres ou tenement en son proper person, ou aucun autre per son commandement.

Auxy sont diuers Briefes de entre queux sont en diuers maners:

maners : Vn est Briefe de *Entre sur disseisin*, & cest Briefe gist lou hōc est disseisic, il ou son heire l'auant dit Brief aua vers meisme le disseisor, ou ascun auter apres Tenant del terre. Et si le Disseisor alien, ou deuie seisie, donques le Briefe d' *Entre* serra vers l'heire ouesq; l' alienee en le *Per*, cest adire, ē q le tēnt non habet ingressum nisi p tiel, nosmeant le Disseisor, q luy auoyt disseisie, &c.

Et si l' heire ou alienee deuie seisie, ou aliena al auter, donqs le Briefe serra ē le *Per* & *Cui*, cest adire, en quel l' tēnt non habet ingressum nisi per tiel (nosmant le heire ou le alienee del Disseisor) cui tiel (nosmant le Disseisor) il dimisit, q luy per tort disseisie, &c.

Et si tēre soit conuey ouster al plusors, ou si le primer Disseisor soit disseisie, donques le Brief d' *Entre* serra en le *Post*, cest adire, q le tēnt non habet ingressum nisi post disseisinā, q l' prim Disseisor fait al demandant, ou son Ancestor. Veies apres *Entre en le Per*.

*Entre en le Per, Cui,
& Post.*

manners : One is a writ of *Entre sur disseisin*, and this writ lyeth where a man is disseised, hee or his heire shall haue this writ against the Disseisor, or any other after Tenant of the land. And if the Disseisor alien, and die seised, then the writ of *Entre* shall bee against the heire with the alienee in the *Per*, viz. in which the Tenant hath no entry but by such a one, naming the Disseisor, which him hath disseised, &c.

And if the heire or alienee dye seised, or alieneth to another, then the writ shall be in the *Per* and *Cui*, viz. into which the Tenant hath no entry but by such a one, naming the heire or alienee of the Disseisor, to whom such a one (naming the Disseisor) did let it, which by force disseised him, &c.

And if land bee conueyed ouer to many, or if the first Disseisor be disseised, then the writ of *Entre* shall be in the *Post*, viz. that the Tenant hath no entry but after the disseisin, which the first Disseisor made to the demandant or his Ancestor. See after *Entre en le Per*.

*Entrie in the Per, Cui,
and Post.*

Briefe de *Entre en le Per*, gist lou home est disseise de son franktenement, & le

A writ of *Entrie in the Per*, lyeth where a man is disseised of his freehold, and the Disseisor

Disseisor alieneth oz **dieth** seised, and his heire enters, then the Disseisor oz his heire shall haue the said w^{rit} against the heire of the Disseisor, oz against the Alienee of the Disseisor, but liuing the Disseisor, he may haue an **Assise** if he will, and the w^{rit} of **Entry** shall say, *In quod A. non habet ingressum nisi per B. qui illud ei dimisit, qui inde cum iniuste disseisuit, &c.* But if the Disseisor alien, and the alienee dyeth seised, oz alieneth ouer to another, oz if the Disseisor dye, and his heire enter, and that heire alieneth oz dyeth, and his heire entreteth, then the Disseisor oz his heire shall haue a w^{rit} of **Entre** sur disseisin in the **Per** and **Cui**, and the w^{rit} shall say, *In quod idem A. non habet ingressum nisi per B. cui C. illud ei dimisit, qui inde iniuste, &c.*

And note well, That no w^{rit} of **Entre** in the **Per** and **Cui** shall bee maintainable against none, but where hee that is **Tenant** bee in by purchase oz discent: but if the alienation oz discent bee put out of the degrees, vpon which no w^{rit} may bee made in the **Per**, oz in the **Per** and **Cui**, then it shall bee made in the **Post**, and the w^{rit} shall say, *In quod A. non habet ingressum nisi post disseisinam, quam B. inde iniuste, & sine iudicio fecit pref. N. vel M. proauo N. cuius haeres ipse est.*

Disseisor alien, ou deuie seisie, & son heire entra, donques le Disseisee ou son heyre auera le dit Brieft vers l'heyre le Disseisor, ou vers l' alienee le Disseisor, mes viuant le Disseisour il poyt auer **Assise** si il voile, & le Brieft de **Entre** dirra, *In quod A. non habet ingressum nisi per B. qui illud ei dimisit, qui inde cum iniuste disseisuit, &c.* Mes si le Disseisour alien, & l' Alienee deuie seisie, ou alien ouster a vn autre, ou si le Disseisour deuie, & son heyre entra, & celuy heyre aliena ou deuie, & son heyre entra, donques le Disseisee ou son heyre auera Brieft **D'entre** sur Disseisin en le **Per** & **Cui**, & le Brieft dirra, *In quod idem A. non habet ingressum nisi per B. cui C. illud ei dimisit, & inde iniuste, &c.*

Et nota bien, Que nul Brieft de **Entre** en le **Per** & **Cui** serra mainteynable vers nulluy, mes lou il que est **Tenant** soit eins per purchase ou per discent: Mes si l' alienation ou discent soyt deuen^e hors des degrees, sur quel nul Brieft poyt estre fayt en le **Per**, ne en le **Per** & **Cui**, donqs serra fait en le **Post**, & l' b^r dirra, *In quod A. non habet ingressum nisi post disseisinam, quam B. inde iniuste, & sine iudicio fecit pref. N. vel M. proauo N. cuius haeres ipse est.*

The Exposition of

Auxy sont cinque choses q̄ mitront le Brieſe de Entre hors des de grees, cest adire, Intrusion, Succession, Disſeiſin ſur Diſſeiſin, Iudgement, ou Eſcheat.

1 Intrusion eſt q̄at le Diſſeiſor deuie ſeiſie, & vn eſtranger abata.

2 Diſſeiſin ſur Diſſeiſin eſt q̄at le Diſſeiſor eſt diſſeiſie p vn auer.

3 Succession eſt lou le Diſſeiſour eſt vn home de Religion, & deuie, ou eſt depoeſe, & ſon Succellour entra.

4 Iudgement eſt quant vn recouer vers le Diſſeiſor.

5 Eſcheate eſt quant le Diſſeiſour deuie ſans heire, ou ſait felonie, per que il eſt ataint, per que le Seignieur entra come en ſon Eſcheate.

En tous ceux caſes le Diſſeiſee où ſon heire nauera Brieſe de Entre deins les de grees en le *Per*, mes en le *Poſt*, p ceo q̄ en ceux dits caſes ils ne ſont eus p diſcent, ne per purchaſe.

Entre ad communem Legem.

AVxy il y ad vn Brieſe del *Entre ad communem legem*, & giſt loutenant a terme de vie, tenant a terme dauſ vie, tenant per le curteſie, ou tenant en dower alien & deuie, donques celuy en le reuerſion aúa l' auantedit Brieſe

Also there are ſine things which put the wright of Entre out of the degrees, viz. *Intrusion*, *Succession*, *Disſeiſin* vpon *Disſeiſin*, *Iudgement*, and *Eſcheat*.

1 *Intrusion* is when the *Disſeiſor* dieth ſeiſed, and an eſtranger abateth.

2 *Disſeiſin* vpon *Disſeiſin* is when the *Disſeiſour* is diſſeiſed by another.

3 *Succession* is when the *Disſeiſour* is a man of Religion, and dieth, or is depoeſed, and his *Succellor* entreth.

4 *Iudgement* is when one recouereth againſt the *Disſeiſor*.

5 *Eſcheat* is when the *Disſeiſor* dieth without heire, or doth felony, whereby he is atainted, by which the Lord entreth as in his *Eſcheat*.

In all thoſe caſes the *Disſeiſee* or his heire ſhall not haue a wright of Entre within the degrees of the *Per*, but in the *Poſt*, for that, that in thoſe ſaid caſes they are not in by diſcent, nor by purchaſe.

Entre ad communem Legem.

Alſo there is a wright of *Entre ad communem Legem*, & ipeth where tenant for terme of life, tenant for terme of anothers life, tenant by the curteſie or tenant in dower, alieneth and dieth. then he in the reuerſion ſhall haue the ſoreſaid wright againſt

against Submofoener is in after
in the said tenement.

deuers quecunque & soit eins
apres en les dits tenemens.

Entre in the case pro-
uided.

*Entre in casu pro-
uifo.*

Alfo a wryt of Entre in ca-
fu prouifo lyeth, if tenant in
dower alien in fee, or for terme
of life, or for anothers life, it-
ting the tenant in dower, hee
in the reuerfion fhall haue the
wryt called the wryt of Entre in
casu prouifo, and this is prou-
ided by the Stat. of Glouc. ca. 7.

AVxy Brieft de *Entre in ca-
fu prouifo* gift, fi tefit en
dower alien & fee, ou pur tme
de vie, ou p auē vie, viuant le
tenant en dower, celuy en le
reuerfion auera le Brieft, ap-
pel Brieft de *Entre in casu
prouifo*, & ceo eft purview per
le ftatute de *Glouc. ca. 7.*

Entre in casu confi-
mili.

*Entre in casu con-
fmili.*

Alfo a wryt of Entre in casu
confimili lieth, if tenant for
terme of life, or tenant by the
curtefie alien in fee, itting them
in the reuerfion, he fhall haue a
wryt, called a wryt of Entre in
casu confimili, and this is by the
Statute of W. 2. c. 24.

AVxy Brieft de *Entre in ca-
fu confimili* gift, fi tenant
p tme de vie, ou tenant per la
curtefie alien en fee, viuant
eux celuy en le reuerfion aua
vn Brieft, appel Brieft de *En-
tre in confimili casu*, & ceo eft
p le ftat de *W. 2. ca. 24.*

Entre ad terminum qui
preteriit.

*Entre ad terminum
qui preteriit.*

Alfo a wryt of Entre ad ter-
minum qui preteriit lyeth, if
a man leafe land to another for
terme of yeeres, and the tenant
hold ouer his terme, then the
Leflor fhall haue a wryt, which
is called a wryt of Entre ad ter-
minum qui preteriit.

AVxy Brieft de *Entre ad ter-
minum qui preteriit* gift, fi
vn home leffa terres a vn auē
p tme d'ans, & le tenant tient
oufter fon tme, donqs le Les-
for auera Brieft que eft ap-
pel Brieft de *Entre ad termi-
num qui preteriit.*

And alfo if lands be lealed to

Et auxy fi tres font leffes a

The Exposition of

vn home p̄ terme dauē vie, & cesty p̄ que vie les terres sont leſſes deuie, & le leſſee tient ouſter, donques le leſſor auera ceſt Brieſe.

a man ſoz terme of anothers life, and hee ſoz whoſe life the landys are leſſed dye, and the leſſee holds ouer, then the leſſor ſhall haue this wryt.

Entre ſine aſſenſu Capituli.

Entre without aſſent of the Chapter.

AVxy Brieſe de *Entre ſine aſſenſu Capituli* giſt lou vn Abbe, Priour, ou tiel que ad Couent ou common ſeale, aliena terres ou tenemens del droyt de ſon Eſgliſe, ſauns le aſſent del Couent ou Chapē, & deuie, donques ſon ſucceſſor auera ceſt Brieſe.

Alſo a wryt of *Entre ſine aſſenſu Capituli* lieth, where an Abbot, Prior, or ſuch as hath Couent or common ſeale, alieneth landys or tenements of the right of his Church, without the aſſent of the Couent or Chapter, and dieth, then the ſucceſſor ſhall haue this wryt.

Entre cauſa matrimonii præloquuti.

Entrie for marriage in ſpeech.

AVxy Brieſe de *Entre cauſa matrimonii præloquuti* giſt lou terres ou tenemens ſont done a vn home, ſur tiel condition, que il prendra le Donour a ſa feme deins certaine tēps, & il ne luy eſpouſa deins la dit temps, ou eſpouſe auē feme, ou luy fayt Prieſtre, ou enter en Religion, ou luy diſable; iſſint que il ne puit luy prender accordant a le dit condition, donques la feme Donour & ſes heyres auera le dit Brieſe vers luy, ou vers quecunque eſt eins en le dit terre. Auxy il couient, q̄ ceſt condition ſoyt fayt per Endemurē, ou autrement ceſt

Alſo a wryt of *Entre cauſa matrimonii præloquuti* lieth where landys or tenements are giuen to a man vpon ſuch a condition, that he ſhall take her to his wiſe within a certaine time, and he do not eſpouſe her within the ſaid terme, or eſpouſe another woman, or make himſelfe Prieſt, or enter in Religion, or him diſable, ſo that hee cannot take her accordyng to the ſaid condition, then the Donor and her heyres ſhall haue the ſaid wryt againſt him, or againſt whoſoeuer is in the ſaid land. And alſo it behooneth, that this condition bee made by Indenture, or otherwiſe this

Writ doth not lye : and all these
and other writs of Entre may
bee made in the Per, Cui, and
Post.

Briefe ne gift : & tous ceux
& autres Briefes d'entre poi-
ent este fait en le Per, Cui, &
Post.

Entrusion.

Entrusion.

ENtrusion is a writ, and it
lyeth where a Tenant for
terme of life dyeth seised of
certain lands or tenements,
and a stranger entreth, hee in
the reuerſion shall haue the said
writ against the abator, or a-
gainst whomsoever that is in
after their intrusion.

Also a writ of Entrusion shall
be maintainable by the successor
of an Abbot against the abator,
which shall enter in the lands
or tenements in the time of va-
cation that belongeth to the
Church, by the Stat. of Marle-
bridge, the last Chapter.

And it seemeth the difference
between an Intruder and an
Abator is this, that an Abator
is hee that entreth into land
void by the death of a Tenant
in fee, and an Intruder is hee
that entreth into lands void
by the death of a Tenant for
terme of life or yeeres. See
F.N.B. fol. 203.

Entrusion de gard.

ENtrusion de gard is a writ
which lies where the heire
within age entreth in his lands,
and holds out his Lord, for in
such case the Lord shall not haue

ENtrusion est vn Briefe, &
gist lou Tenaunt a terme
de vie deuie seilie de certaine
terres ou tenements, & vn e-
straunge entra, celuy en la re-
uerſion auera le dit Briefe
vers l'abator, ou vers quecanq
que soit eins apres leur en-
trusion.

Auxy vn Briefe de Entru-
sion serra maintainable par le
successeur d'un Abbe vers l'
Abator, que entre en ascun
terres ou tenements, *Tempo-
re vacationis*, que appent a la
Eglise, per Statute de *Marle-
bridge, cap. ultimo*.

Et il semble que le diffe-
rence perenter vn Entruder
& vn Abator est en ceo, que
vn Abator est celuy que entra
en terres void per le mort
d'un Tenant en fee, & vn En-
truder est celuy que entra en
terres void per le mort d'un
tenant p terme de vie ou ans,
Veies F.N.B. fo. 203.

Entrusion de gard.

ENtrusion de gard est vn
Briefe que gist ou le heire
deins age entra en ses terres, &
tient hors son Seigneur, car
en tel case le Seigneur nauera

le Briefe de communi Custodia, mes cest Briefe de entrusion d Gard, Veiel N.B.fo.90.

the writt de communi Custodia, but this writt of Entrusion of the ward, Old N.B.fo.90.

Equitie.

Equitie est en deux maners, diuers moult l'un del autre, & sont de contrarie effects, car l'un abridge, diminiſh, & tol le letter del Ley, l'auter enlarge, amplifie, & adde a ceo.

Le primer est issint define, *Equitas est correctio Legis generatim lata qua parte deficit*, le quel correction del general parols est moult vse en nostre Ley. Sicome pur example, Quant Act de Parliament est fait, quecunque que fait tiel act, serra felon, & serra mise al mort, vncore si home de non sane memorie, ou enfant de tender age, que nad discretion le fait, ils, ne serront felons, ne mise al morte.

Auxy si Estatute soit fait, Que tous persons que receiueront, ou doneront maunger ou boyer, ou auſ ayd a cestuy q̄ ferra tiel act, serront accessarie a son offence, & serront mise al morte, si ils conuſteront del fact, vncor l'un fait tiel act, & veigne a sa proper feme, que sciant ceo luy receiue, & done maunger & boyer a luy, il ne serra accessarie, ne felon, car en le gene-

Equitie.

Equitie is in two sortis, differing much the one from the other, and are of contrary effects, for the one doth abridge, diminish, & take from the letter of the Law, the other doth enlarge amplifie, & adde thereunto.

The first is thus defined, Equitie is the correction of a Law generally made in that part wherein it faileth, which correction of the generall wordis is much vsed in our Law. As for example, When an Act of Parliament is made, that whosoever doth such a thing shall be a felon, & shall suffer death, yet if a mad man, or an infant of young yeeres that hath no discretion doe the same, they shall bee no felons, nor suffer death therefore.

Also if a Statute were made, That all persons that shall receiue, or giue meate and drinke, or other succour to any that shall doe such a thing, shall bee accessary to his offence, & shall suffer death, if they did know of the fact, yet notwithstanding one doth such an act, & cometh to his wife, who knowing therof doth receiue him, and giues him meat and drinke, she shall not be accessary, nor felon, for in the generalitie

raillie of the said words of the Law, hee that is mad, nor the infant, nor his wife were included in meaning.

And thus equity doth correct the generalitie of the Law in those cases, and the generall words are by equitie abridged.

The other equity is defined after this sort, Equity is when the words of the Law are essentially directed, and one thing only provided by the words of the Law, to the end that all things of the like kind may be provided by the same: & so when the words enact one thing, they enact all other things that are of like degree, as the Statute which ordaines, That in an action of Debt against Executors, he that doth appeare by distresse shall answer, doth extend by equitie to Administrators, for such of them as doth appeare first by distresse, shall answer by equity of the said act, because they are of the like kind.

So likewise the Statute of Gloucester giues the action of Waste, and the paine thereof against him that holds for life or peeres, and by the equity of the same, a man shall haue an action of Waste against him that holdeth but for one yeere or halfe yeere, and yet this is without the words of the Statute, for hee that holdeth but for halfe a yeere, or one yeere, doth not hold for peeres, but that is the meaning, and the words

raillie & les dits parols d'l Ley, cesty de non sane memorie, ne l' enfant, ne le feme fueront include en entent.

Et issint equity correct le generaltie d'l Ley en ceux cas, & les parols generals sont per equitie abridge.

L'auter equitie est define en tiel manner, *Equitas est verborum Legis directio efficiens, cum una res solummodo Legis cauetur verbis, & omnia alia in equali genere, eisdem cauantur verbis*: & issint quane les parols enact vn chose, ils enact tous choses que sont en semblables degrees, sicome le Statute que ordeigne, que en action de Det vers Executors, cestuy que vient per distresse respondera, extendra per equitie al Administrateurs, car cesty de eux que vient primes per distresse, respondera per equitie del dit act, *quia sunt in equali genere*.

Issint le Statute de Gloucester done l' action de Waste, & le punishment de ceo vers cestuy que tient pur vie ou ans, & per l' equitie de ceo home auera action de Waste vers cestuy que tient forsque pur vn an, ou demy an, & vncore ceo est hors del parols del estatute, car cestuy que tient forsque pur demy an, ou vn an, ne tient pur ans, mes ceo est l' entent, & le parols quel

The-Exposition of

quel enaict l'un, per equitie en-
acteront l'auter.

that enaict the one, by equity
enaict the other.

Errant.]

Errant.

E*rrant*, id est, *Itinerans*,
Euenust del parol Francois
Error, id est, *Errare*, ou d'l vi-
eux parol *Erre*, id est, *Iter*. Et
est appropriate as Iustices que
alont en circuit, & as Bailies a
large, q pur ceo sont appelle
Iustices Errants, & Bailies Er-
rants, eo q ils alont & trauai-
lont del vn lieual auter, lun p
faire iustice, & l'auter pur exe-
cuer proces. Veies *Eyre*.

E*rrant*, id est, *Itinerans*, com-
meth of the french word
Errer, id est, Errare, or of the
old word Erre, id est, Iter. And
it is appropriated vnto Iustices
that goe circuit and to Bailiffes
at large, who are therefore cal-
led Iustices Errants, and Bat-
liffes Errants, because they goe
& trauaile from place to place,
the one to doe iustice, & the other
to execute processe. See *Eyre*.

Error.

Erreur.

E*rror* est vn fault en vn
iudgement, ou en le pcesse,
ou proceeding al iudgment, ou
execution sur ceo e Court de
Record, quel fault en le ciuill
Ley est appel vn *Nullitie*. Et
auxy *Error* est le nosme d vn
Briefe, & gist lou iudgement
est done en le common
Banke, ou deuaunt Iustice in
Assise, ou deuaunt Iustice de
Oyer & Terminer, ou deuaunt
le Muor ou Viscount de
Londres, ou en auter Court
de Recorde contra le Ley, ou
sur vndue ou male proces,
donques per cel Briefe, le par-
tie griue vers que le iudgment
est done auera cel Briefe, &
per ceo causera le Recorde &
Processus estre remoue d'uant
les Iustices de Banke le Roy,

E*rrour* is a fault in a iudge-
ment, or in the processe, or
proceeding to iudgement, or in
the execution vpon the same in a
Court of Record, which in the
ciuill Law is called a Nullitie.
And also Error is the name of
a writ, and it lyeth where
iudgement is giuen in the com-
mon place, or before the Iustice
in Assise, or Oyer and Termi-
ner, or before the Maior and
Sheriffes of London, or in o-
ther Court of Record, against
the Law, or vpon vndue and
wrong processe, then by this
writ the party griued against
whom the iudgement is giuen
shall haue this writ, and there-
upon cause the Record & Pro-
cesse to bee remoued before the
Iustices of the Kings Bench,
and

and if the error be found, it shall be reversed : But if an erroneous iudgement be given in the Kings Bench, then it cannot be reversed but by Parliament, untill the Statute of 27. Eliz. cap. 8.

Also if such a default in iudgement be given in a Court that is not of record, as in a County, Hundred, or in Court Baron, then the party shall have a writ of false iudgement, for to make the record to come before a Justice of the common place. Also if Error be found in the Exchequer, it shall be redressed by the Chancellor and Treasurer, as it appeareth by the Statute of E. 3. an. 31. ca. 12. & 31. Eliz. cap. 1.

Escape:

Escape is where one that is arrested cometh to his liberty before that he be deliuered by award of any Justice, or by order of Law.

Escape is in two sorts, that is to say, voluntary and negligent.

Voluntary Escape is when one doth arrest another for felony, or other crime, and after hee in whose custody he is, letteth him goe where hee will, this letteth him goe is voluntary Escape.

And if the arrest of him that escaped were for felony, then that shall be felony in him

Et la si error soit trouuee il sera reuerse : Mes si erroneus iudgement soit done en Banke le Roy, donques il ne poit estre reuerse forsque per Parliament, tanque le Statute 27. Eliz. cap. 8.

Auxy si tiel default soit en Iudgement done en Court que nest de record, come en Countie, Hundred, ou Court Baron, donque le partie auera Brieve de faux iudgement pur faire le record venir deuant Justice de common Banke. Auxy si Erreur soit trouue en Leschequer, il sera redresse per le Chauncelor & Treasurer, vt patet per Statute Ed. 3. an. 31. ca. 12. & 31. Eliz. cap. 1.

Escape.

Escape est lou vn que est arrest deueigne a son libertie deuant que il soit deliuer par award de aucun Justice, ou par order de Ley.

Escape est en deux sorts, videlicet, voluntarie & negligent.

Voluntarie Escape est que vn arrest auter pur Felonie, ou auter crime, & puis ce luy en que custodie il soit, luy lesser aler lou il voit, cel lesser de luy aler est vn voluntarie Escape.

Et si l' arrest de cesty que escape fuit pur Felonie, ceo sera dit Felonie en cestuy

The Exposition of

que luy lessier d'escaper, & si pur treason, il serra treason en luy, & si pur vn trespasse, donq trespasse, & sic de singulis.

Negligent escape est quant vn est arrest, & puis escape encounter le volunt de cesty que luy arrest, & ne soit freshment pursue, & reprise deuant que le pursuor perdra le view de luy, ceo serra dit negligent escape, non obstant que cesty hors de q possession il escape luy, reprist apres le view perdu. Auxy si vn soit arrest, & puis escape, & est a son libertie, & cestuy en que garde il fust luy reprise apres, & luy a mesme a le prison, vncore il est escape en luy.

Auxy si vn Felon soit arrest per le Constable, & a mesme a le Gaoler en le Countie, & le Gaoler ne voit luy receiver, & le Constable luy demit, & le Gaoler auxy, & if sint il escape, cest est vn escape en le Gaoler, pur ceo q en tiel case le Gaoler est tenu de luy resceiuer p le maine del Constable sans aucun precept de le Iustice de Peace. Mes autrement est si vn common prison arrest auter pur suspicion de Felonie, la le Gaoler nest tenu de luy resceiuer sauns precept de aucun des Iustices de Peace. Il y ad vn escape auxy sauns arrest, come si murder soit fait en le iour, & le murderer ne soit prise, donque il est escape, pur que

that did suffer the escape, and if for treason, then it shall be treason in him, and if for trespasse, then trespasse, and so in all other.

Negligent escape is when one is arrested, & after escapes against the will of him that did so arrest him, and is not freshly pursued, & taken before the pursuer loseth the sight of him, this shall be said a negligent escape, notwithstanding that hee out of whose possession he escaped, doe take him after hee lost sight of him. Also if one bee arrested, and after escape, and is at his liberty, and he in whose ward he was take him afterward, and bring him to the prison, yet it is an escape in him.

Also if a Felon bee arrested by the Constable, and brought to the Gaole in the County, and the Gaoler will not receive him, and the Constable letteth him goe, and the Gaoler also, and so hee escapeth, this is an escape in the Gaoler, for that in such case the Gaoler is bound to receive him by the hand of the Constable without any precept of the Justice of Peace. But otherwise it is, if a common person arrest another upon suspicion of felony, there the Gaoler is not bound to receive him without a precept of some Justice of Peace. There is an escape also without arrest, as if murder be made in the day, and the murderer be not taken, then it is an escape, for the which the

the Towne where the murder
was done shall be answered.

And it is to be observed,
that a man may be said to es-
cape, notwithstanding that he
remaineth in prison.
And for this if a man be in
prison upon two executions at
the suit of two severall men,
and then the old Sheriffe deli-
vers over this prisoner to the
new Sheriffe by Indenture,
according to the usual course,
and in the said Indenture ma-
keth no mention of one of the
said executions, this omission
shall be said an escape in Law
instantly, for which the old
Sheriffe shall answer, although
the execution was matter of
trover, whereof the new
Sheriffe might have taken no-
tice. But otherwise it is where
the old Sheriffe dyeth, for in
such case it behooveth the new
Sheriffe at his perill to take
notice of all the executions that
are against any person that he
findeth in the Gaole: But in
the said case where the Sheriffe
dyeth, and before that another
is made, one that is in exe-
cution breaketh the Gaole, and
goeth at large, this is no es-
cape, for when a Sheriffe di-
eth, all the prisoners are in
the custody of the Law, untill
a new Sheriffe be made. See
Coke, li. 3. fo. 72.

If the Sheriffe upon a Ca-
pias ad satisfaciendum to him di-
rected, maketh returne, That he

le Ville ou le murder fait fait
setra amencie.

Et est de lre observe. Que
homme peut estre dit d'escaper
nient obstant q'il tous fois
remain en prison. Et pour ceo,
si homme soit en prison sur deux
executions al suit de deux se-
verall hoës, & doncs l'ancien
Viscount delivres putter cest
prisonier al nouvel Viscount p
Indenture, accordant al usual
manner, & en le dit Indenture
ne fait aucun mention d'un des
dits executions, cest omission
ferra dit un escape en Ley
immédiatement, pour que le
ancien Viscount responde-
ra, nient obstant que l'ex-
ecution soit matter de recorde,
de que le nouvel Viscount pour
avoir prise notice. Mes auren-
ment est lou l'ancien Vis-
count morust, car en tel
case convient al nouvel Viscount
a son peril, de prendre no-
tice de tous les executions
que sont vers aucun person
que il troua en le Gaole:
Mes en le dit case ou le Vis-
count morust, & deuant que
autre est fait, un que est en
execution enfreint le Gaole,
& depart a large, ceo est nul
escape, car quant un Viscount
morust, tous les prisoners
sont en le custody del Ley,
tanque nouvel Viscount soit
fait. Veies. Calch. 3 fo. 72.

Si le Viscount sur un Ca-
pias ad satisfaciendum a luy
direct, fait returne. *Quod*

The Exposition of

capi Corpus, & vncore nad le corps en Court al iour de le retourne, le Plaintife poit auer son Action vers le Viscount pur l' Escape, nient obstant que le paxtie issint prise soit en le Gaole. Veies 7.H.4.11.Br.107.

Eschete.

Eschete est lou vn Tenaunt en fee simple face Felonie, p q il est pendue, ou abiure le Realme, ou vtlage de Felonie, Murder, ou petit Treason, ou si le Tenant morust sans heire genal ou special, donques le S^r de que le terre est tenus p le Tenant, poit enter per voy de Escheat, ou si ascun auter home enter, le Seignior auera vers luy vn Briefe, appel Brief de Escheat, quel come semble est deriue del parol Francois *Eschien*.

Escheator.

Escheator vient del dit parol Eschete, & est le nosme del Officer que regarda les Eschetes del Roy en l' Countie de que il est Escheator, & certiffia eux en le Eschequer. Cest Officer est designe per le Seignior Treasurer, & per Letters Patents de luy, & continua en son office forsq; vn an, neque poyt ascun estre Escheatour forsq; vn foyts en troya ans, Anno 1. Hen.8.

hath taken the body, and yet hath not the body in Court at the day of the returne, the Plaintiffe may haue his Actions against the Sheriffe for the Escape, although that the party so taken bee in the Gaole. See 7.H.4.11.Br.107.

Escheie.

ESchete is where a Tenante in fee simple doth felony, for the which hee is hanged or abiured the Realme, or be outlawed of felony, Murder, or petty Treason, or if the Tenant dye without heire generall or speciall, then the Lord of whom the Tenant held the land may enter by way of Escheat, or if any other enter, the Lord shall haue against him a writ, called a writ of Escheat, which as I thinke, is deriued of the French word *Escheine*.

Escheator.

EScheator cometh from the said word *Escheate*, and is the name of an Officer that obserueth the Escheates of the King in the County whereof hee is Escheator, and certifieth them into the Exchequer. This Officer is appointed by the Lord Treasurer, and by Letters Patents from him, and continueth in his office but one yeere, neither can any be Escheator but once in three yeers, An. 1. Hen.8. cap.8.

cap.8. and ann.3. eiusdem, cap.2. See more of this Officer and his authority in Cromptons Iustice of Peace. See An.21.Ed.1. The forme of the Oath of the Escheator see in the Regist.orig. fo.301.b. And the Escheator is an Officer of record, and may ordaine an under Escheator, as the Sheriffe may an under Sheriffe, yet the Escheator cannot returns any office by vertue of his office, but he shall be punished. See F.N.B.100. Offic' Escaetrix is the Escheatorship. Reg.orig.fo.259.

cap.8. & an.3. eiusdem cap.2. Veies plus de cest Officer & son authority, en Cromptons Iustice de Peace. Veies An.21. Ed.1. Le forme del Serement del Escheator veies en l' Reg.orig fo.301.b. Et l' Escheator est vn Officer de record, & puit ordein vn south Escheat, come le Vise' poit vn south Visc', vnc' l' Escheator ne puit returne aucun office *virtute officii*, mes il serra punie. Veies F.N.B fo.100. Officium Escaetrie est l' Escheatorship. Reg.orig.fo.259.

Exchequer.

Eschequer.

EXchequer, Scaccarium cometh of the french word Eschequier, id est, Abacus, which in one signification is taken for a Counting Table, or for the art or skill of Counting. And from thence (as some think) the place or Court of the receits and accounts of the renewes of the Crown is called the Exchequer. Others haue otherwise deriued the name. But the Exchequer is defined by Master Crompton in his Iurisdiction of Courts, fol.105. to bee a Court of record, wherein all causes touching the renewes of the Crowne are handled.

ESchequer, Scaccarium venust del parol Francois Eschequier, id est, Abacus, que en vn signification est prise pur vn Counting Table, ou p l' art ou science del Compter. Et de ceo (come alguns pensoient) le lieu ou Court des receits ou accounts des reuenues del Corone est appel l' Eschequer. Auters ont autrement deriue le nosme de ceo. Mes l' Eschequer est define per M. Crompton en son Iurisdiction des Courts, fol.105. destre vn Court del record, en que tous les causes que concerne les reuenues l' Corone sont tractes.

The Exposition of

Esneey.

Esneey is an immunity done
 Et plus eigne copartesi de
 eiliet primsit purs l'inheritace
 est diuise, *Plur. 3. ca. 10.*

Escuage.

Escuage est appel en Latine
Scutagium, cest adire, *seru*
itium vrent, & cesty que vi-
 ent per Escuage, tient per ser-
 uice de Cheual, & a ceo ap-
 pent Gard, Marriage, & Re-
 liefe: mes ceo serra intend d'
 Escuage non certaine, quant
 l'Escuage Escuage per tout
 Engleterre, quant est ordeine
 per tout le Counteil d'Engle-
 terre, que apres les guerres,
 chelcun Seignior aua certaine
 summe de son Tenant que
 he fuyt en le dit guerre. Mes
 si le Tenant que n'est d'as-
 cun Seignior per Escuage, soit
 que le Roy en les Guerres
 en Escote, & le Seignior voit
 d'ascun lay par Escuage, il
 sera bon piee adire, que il fu-
 st ou le Roy en Escote en le
 guerre, & ceo serra tite per le
 Marshal le Roy.

Et nota bene, Que home ne
 poyt tener per Escuage, frnon
 que il tene per homage, par
 ceo que Escuage de common
 droyt treyte a luy homage,
 come il fuyt adiudge e *Term.*
H. 21. Edw. 3. cap. 42. fol. 52.
Auowrie 115. Et nota bene,

Esneey.

Esneey is a privilege given
 to the eiden copartener to
 chuse his after the inheritance
 in *Wulford, Plur. 3. ca. 10.*

Escuage.

Escuage is called in Latine
Scutagium, that is, service of
 the shield, and he that holds
 by Escuage, holds by knight
 service, and to that belongeth
 sword, marriage, and relief: but
 that shall bee intended of Escu-
 age not certaine when the Es-
 cuage runnes through Eng-
 land, when it is ordained by
 all the Counteil of England,
 that after the warre every Lord
 shall haue a certaine summe of
 his Tenant which was not in
 the said warre, but if the Es-
 cuage which belongeth of any Lord
 by Escuage, be with the King
 in his warres in Scotland, and
 his Lord shall distaine his for
 Escuage, it shall be a good piee
 to say, hee was with the King
 in Scotland in his warre, and
 that shall be tried by the Kings
 Marshall.

And note well, That a man
 may not hold by Escuage,
 vntil hee be hold by homage,
 for that Escuage of common
 right draweth to him ho-
 mage, as it was adiudge in
Term. H. 21. Edw. 3. ca. 42. fol. 52.
Auowrie 215. And note well,
 That

That Escuage is a certaine somme of money, and it ought to be leuied by the Lord of his Tenant, after the quantity of his tenure, when Escuage runneth through all England. And it is ordained by all the Council of England, how much every Tenant shall giue to his Lord, and that is properly to maintaine the warres between England and them of Scotland, or of Wales, and not between other lands, for that that those aforesaid lands should be of right belonging to the Realme of England. See Lit. lib. 2. cap. 3.

Que Escuage est vn certeyne somme de Argent, & doyt estre leuie per le Seignior de ses tenants, selonque l' quantite de son tenure, quauant l' Escuage courage per tout Engleterre. Et ordeigne est per tout le Councel D'engleterre, quant chescun tenant doña a son Sfr, & ceo est proprement pur susteyner le guerre perenter Engleterre, & ceux de Escocce, ou de Gales, & non pas perent auz fres, pur ceo que les auantdit terres seront de droyt appendant a le Realmé D'engleterre, *Vide Lit. lib. 2. cap. 3.*

Esplees.

Esplees is as it were the let- tin or possession of a thing, profit, or commodity that is to be taken, as of a Common, the Esplees is the taking of the grass or common by the mouths of the Beasts that common there: Of an Aduowson, the taking of grosse tythes by the Person presented thereto: Of wood, the selling of wood: Of an orchard, the selling of apples and other fruit growing there: Of a Mill, the taking of tolls is the Esplees, and of such like. And note, that in a writ of right of land or aduowson, or such like, the Demaundant ought to alledge in his Count, That hee or his Ancestors took the Esplees of the thing

Esplees.

Esples est sicome l' seysin, ou possession d'un chose, profit, ou commoditie que est a prendre, cōe d'un Cōmon, les Esplees est l' prendre d' l' grasse ou common p les bouches de les Beasts q common la: Dun Aduowson, le prend de gros dismes per le Parson present al ceo: De boys, le vender de boys: Dun orchard, le vender de pomes & auters fruits cressant la: Dun Molin, le puisel de tolle est les Esplees, & de tiels semblables. Et nota, que en Brieve de droyt de terre ou aduowson, ou tiels semblables, le Demaundant doit alleadge in son Count, que il ou ses Ancestors prise les Esplees d' chose

The Exposition of

en demand ou autrement, le
count nest bon.

in demand or otherwise, the
pleading is not good.

Essendi quietum de Tolonio.

Essendi quietum de Tolonio
Est vn Briefe destre quit &
Tolle, & gist en case ou les
Citizens ou Bourgesies de a-
scun Citie ou Borough ount
est quit de Tolle per Graunt
des Progenitours del Roy per
tout le Royalme, ou per Pre-
scription, donq si ils des dits
Cities, ou ascun home des
dits Cities or Boroughs, veig-
nont oue ses Merchandises a
ascun Ville, Fayre, ou Mar-
ket, & la eux milt a vender,
ou achatont ascuns Merchan-
dises, si les Officers del dit
Ville voile demaunder ascun
Tolle de luy encounr l'Char-
ter le Roy, ou encouter le
Vlage & Custome, donque il
puit suer & auer nel Briefe,
*F.N.B. fol. 226. Regist. orig.
fol. 258.*

Essoine.

Essoine est lou vn Action
est port, & le Plaintife ou
Defendaunt ne poyt hyen ap-
pear al iour en Court p yn de
cinq causes desouth expresse,
donques il serra essoigne de sa-
uer son default.

Nota, Que sont cinque
mannis de Essoines, cest adire,
Essoine de Ouster le mere, &

Essendi quietum de Tolonio.

Essendi quietum de Tolonio is
a writ to bee quit of Toll,
and lyeth in case where the Ci-
tizens or Burgesies of any Ci-
ty or Borough haue bin acquit-
ted of Toll by the Grant of the
Kings Progenitours through-
out the whole Realme, or by
Prescription, then if they of the
said Cities, or any man of the
said Cities or Boroughs come
with his Merchandises to a-
ny Towne, Faire, or Market,
and there put them to sale, or
buy any Merchandises, if
the Officers of the said Towne
will demand any Toll of him
against the Kings Charter,
or against the Usage and
Custom, then hee may sue
and haue such a writ. *Fitz.
N. B. fol. 226. Regist. Original.
fol. 258.*

Essoine.

Essoine is where an Action is
brought, and the Plaintife
or Defendant may not well ap-
peare at the day in Court, for
one of the five causes vnder spe-
cified, then he shall be essoined to
saue his default.

Note, That there be five
manner of Essoines, viz. Es-
soine De ouster le mere, and

by that the Defendant shal haue
a day by xl. dayes. The second
Essoine is De terra sancta, and
upon this the Defendant shall
haue a day by a yere and a day,
and these twaine shall be laid in
the beginning of the yles. The
third Essoine is De male vener,
and that shall be adiourned to
a common day, as the Iustice
requireth, and this is called the
Common Essoine, and when,
and how this Essoine shall bee,
looke the Statutes, and the
Abridgement of Statutes, where
it is well declared. And the
4. Essoine is De malo lecti, and
that is only in a writ of Right,
and thereupon there shall a
writ goe out of the Chancery
directed to the Sheriffe that
he shall send foure knights to
the Tenant to see the Tenant,
and if hee be sicke, to giue a day
after a yere and a day. Also the
fifth Essoine is De seruice del
Roy, and it lyeth in all Actions,
except in Assise De Nouel Dis-
seisin, a writ of Dower, Dar-
reine presentment, and in appeale
of Murder, but in this Essoine
it behooueth at the day to shew
his Warrant, or else it shall
turne into a default, if it bee
in a plee real, or else he shall lose
xx.s. for the iourney, or more,
by the discretion of the Justice,
if it bee in a plee Personall,
as it appeareth by the Statute
of Glocest. cap. 8.

per ceo le Defendaunt auera
iour per xl. iours. Le second
Essoine est De terra sancta,
& sur ceo le Defendant auera
iour per vn an & vn iour, &
les deux seront gist al com-
mencement del Plee. Le
tierce Essoine est De male ve-
ner, & ceo sera adioune al
common iour, come Action
require, & appel le Common
Essoine, & quant, & comeur
cest Essoines sera, vles les
Statutes, & lieure de Abridge-
ment de Statutes, lou il est bi
declare. Auxy le 4. Essoine
est De malo lecti, & ceo s'ole-
ment en Brieve de Droit, &
sur ceo issira Brieve hors del
Chauncerie, direct al Vis-
count, que il maundera quat
Chiualers al Tenant de veier
le Tenant, & si il soit malady,
de don a luy iour aps, vn an
& vn iour. Auxy le 5. Essoine
est De seruise del Roy, & gist
en tous Actions forsque en
Assise De Nouel Disseisin,
Brieve de Dower, Darreine
presentment, & en appeale de
Murder, mes en cest Essoine
il couient al iour de monstee
son Garrant, ou autrement il
turnera a vn default, si soit
en plee real, ou autrement il
perdera xx.s. pur le iourney,
ou pluis, per le discretion del
Justice, si soit en plee perso-
nel, vt paret per le Statute de
Glocest. cap. 8.

Essoine

The Exposition of

Essoino de malo lecti.

Essoino de malo lecti est vn Breue direct al Viscount, par le mit & quas loyal Chivalors a veyer vn que ad essoyn lay meisme De malo lecti. Reg. Orig. fol. 8. b.

Establisment de Dower.

Establisment de dower sensible destre l' assurance de dower fait per le Baron ou ses amies, Quant ou al temps del espousels; & assignement de dower est le mitant ceo fait per le heire aps, accordt al establisment. Brit. cap. 305. 103.

Estandard.

Estandard ou Standard implia vn Enseigne Et guerre, mes il est auxy vsé p le prisn ou certaine mesure del Roy, proportion de que tous les mesures per le terre deuoiens estre fait per le Clerke del Market, Aulneageor, ou an Officer, accordant a leur fonction.

Car il fuyt establie p l' Statute de Magna Charta, ann. 9. H. 3. ca. 25. que la serroit forcé que un alise de poys & mesures per tout le Royalme,

Essoino de malo lecti.

Essoino de malo lecti is a writ directed to a Sherriffe, for the sending of four lawful knights to view one that hath essoined himselfe De malo lecti, Reg. Orig. fo. 8. b.

Establisment de Dower.

Establisment de dower sensible to bee the assurance of dower made by the husband or his friends, before, or at the time of the marriage; and assignement of dower is the setting it out by the heire afterwards, according to the establishment. Brit. ca. 102. 103.

Estandard.

Estandard or Standard signifieth an Ensign in war, but is also vsed for the principall or leading measure of the King, to the proportion whereof all the measures through the land are and ought to bee framed by the Clerk of the Market, Aulneger, or other Officer, according to their function.

For it was established by the Statute of Magna charta, ann. 9. H. 3. c. 25. that there should be but one scantling of weights & measures through all the Realme, the

the which is since confirmed by An. 14. Ed. 3. ca. 12. *and many o-*
ther Statutes, as also that all
should bee fitted to the Stand-
ards sealed with the Kings seals.

And there is good reason that
it should be called a Standard,
because it stands constant and
immovable, and hath all other
measures coming towards it
for their conformity, even as
soldiers in the field have their
Standard or Colours for their
direction in their March or
Dismiss. Of these Stand-
ards and Measures, reads Brit-
ton, cap. 30.

le quel est iammes confirme p
An. 14. Ed. 3. cap. 12. & plusieurs
autres Statutes, cōte auxy q̄ tous
seroyent fait al Estandard,
sealee avec le seale le Roy.

Et bone cause la est, que il
serroit appel Estandard, par
ceo que il estoira constant &
immoire, & ad tous autres
measures vient a icel p̄ leur
conformite, en meisme le ma-
ner come soldiers & le champ
ont leur Estandard ou Colours
par leur direction en leur
March ou Banel. De eux E-
standards & Measures, lies
Brit. cap. 30.

Estace.

Estate is that title or interest
that a man hath in lands
or tenements, as estate simple,
otherwise called Fee simple,
and estate conditional, or upon
condition, which is either up-
on condition in deed, or upon
condition in Law. See Little-
ton, lib. 3. cap. 5.

Estate.

Estate est cel title ou intro-
crest que home ad en fies
ou tenements, come estate
simple, autrement appel Fee
simple, & estate conditional,
ou sur condition, que est ou
sur condition en fait, ou sur
condition en Ley. Veies Lit.
lib. 3. cap. 5.

Estoppel.

Estoppel is when one is con-
cluded, and forbidden in Law
to speake against his owne act
or deed, yea, though it be to say
the truth.

And of Estoppels there are
a great many: One for exam-
ple is, when J. S. is bound in

Estoppel.

Estoppel est quant vn est
conclude, & denie en Ley
d̄ parler encouter son act ou
fait desm, nient obstant il soit
p̄ dire le veritie.

Et de Estoppels il y ad vn
grand number: Vn p̄ exemple
est, quant I. S. est oblige en

The Exposition of

vn Obligation per le nosme de T.S. ou afeun auter nosme, & est sue apres accordant al mesme le nosme mis en l' Obligation, cest adire, T.S. ore il ne sera receiue adire, que il est misnosme, mes sera chaise a responder accorde al nosme mis en l' Obligation, cest adire, T.S. car peraduenture Loblige ne scaoit pas son nosme, mes per le report tantsolement del Obligor mesm, & entant q il est mesm le home que fuit oblige, il sera estoppe, & denie en Ley, pur adire le contrarie encount son fait demesne, car auterment il poit prend' aduantage d son zort demesne, le quel le Ley ne voit suffer vn home de faire.

Auxy si le fille que est heire a son pere, voit iuer huerie oue sa soer que est vn Bastard, el ne sera apres receiue pur dire que sa soer est vn Bastard, entant que si la Bastard soer prist le moitie del terre oue luy, il nad remedie per le Ley.

Auxy si vn home seisie de terre en fee simple, voit prendre vn lease pur ans de in le terre de vn estraunger per fait indent, cest vn estoppel durant le terme de ans, & le lessee est per ceo barre adire le verite, car le veritie est, Que il que lessa le terre nad riens en ceo al temps le lease fait, & que le fee simple fuit en luy que prist le lease: Mes

in Obligation by the name of T.S. or any other name, and is sued afterward accordyng to the name in the Obligation, that is to say, T.S. now hee shall not be receiued to say, that he is misnamed, but shall be bounden to answer accordyng to the name put in the Obligation, that is to say, T.S. for peradventure the Oblige did not know his name, but by the report of the Obligor himselfe, and inasmuch as he is the same man that was bound, hee shall be estopped, and forbidden in Law, to say contrary to his owne deed, for otherwise hee might take aduantage of his owne wrong, which the Law will not suffer a man to doe.

Also if the daughter that is an heire to her father, will iue liuery with her suster that is a Bastard, shee shall not afterward be receiued to say that her suster is a Bastard, insomuch that if her Bastard suster take halfe the land with her, there is no remedy by the Law.

Also if a man leised of land in fee simple, will take a lease for yeeres of the same land of a stranger by deed indented, this is an estoppel during the terme of yeeres and the lessee is thereby barred to say the truth, for the truth is, That hee that leased the land had nothing in it at the time of the lease made, and that the fee simple was in him that did take the lease: But this

that hee shall not bee retourned to say till after the yeeres are determined, because it appeareth that hee hath an estate of yeeres, and it was his folly to take a lease of his owne lands, and therefore shall thus be punished for his folly.

et il ne sera receu adire tanque apres les ans sera determine, pur ceo que il appert que il ad estate pur ans, & il fuit son folly de prendre vn lease de ses terres demesme, & pur ceo sera il punie pur son folly.

Estouers.

Estouers.

EStouers are nourishment of maintenance: And so Bracton lib. 3. Tract. 2. ca. 18. num. 1. useth it for such sustenance as a man taken for felony is to have forth of his lands or goods for himselfe and his family during his imprisonment. And the Statute of 6. Ed. 1. cap. 3. useth this for an allowance in meate or cloth. It is also used for certaine allowances of wood to be taken forth of another mans wood; so it is used West. 2. cap. 15. Anno 13. Edw. 1. M. West. part. 2. tit. Fines, sect. 26. saith, That the name of Estouers containeth house-boote, hedge-boote, and plow-boote, as if he hath in his Grant these generall words, Of reasonable Estouers in the woods, &c. hee may thereby claime those threes.

EStouers sont nutriment ou maintenance: Et ainsi Bract. lib. 3. Tract. 2. cap. 18. num. 2. ceo vsa pur tiel nutriment q home attachi pur Felonie est d'aueir hors de ses terres ou biens pur luy mesme & son family durant son dures: Et le Statute de 6. Edw. 1. cap. 3. ceo vsa pur vn allowance en viands ou panne. Il est auxy vsé pur certaine allowances de boys destre prise hors del boys d'un autre home; ainsi il est vsé West. 2. cap. 15. Anno 13. Edw. 1. M. West. part. 2. tit. Fines, sec. 26 dit, Quel' nom d'Estouers conteigne house-bote, hey-bote, & carue-bote, cõe sil ad en son Grant ceur general parolx, De rationabili Estouerio in boscis, &c. il poit per ceo claime ceux trois.

Estrangers.

Estrangers.

EStrangers are sometimes taken they that are not par-

EStrangers sont ascun fois prise, ils que ne sont par-

ties de priuies al fine leuie,
ou fessans de vn fait: ascuns
foies ils que sont nee ouster
le mere.

ties or priuies to the luying
of a fine, or making of a deed:
sometimes they that bee bogies
beyond the sea.

Estrey.

Estrey est lou ascun beaft
ou cattell est en ascun Seig-
norie, & ou escout l' owner
de ceo, donques ceo serra seisie
al oeps le Roy, ou de le Seig-
niour que ad tiel Estrey per
grauant le Roy, ou p. prescrip-
tion, & si l' owner vient &
fait claime a ceo deins an &
iour, donques il ceo reau-
ra, ou autrement apres le
an le proprietie de ceo ser-
ra al Seigniour, issint que le
Sâr face proclamation de c'
accordant a le Ley.

Estrey.

Estrey is where any beast or
cattell is in any Lordship, and
none knoweth the owner there-
of, then it shall bee seiled to the
use of the King, or of the Lord
that hath such Estrey by the
Kings grant, or by prescription:
and if the owner come & make
claime thereto within a yeeere
and a day, then he shall haue it
again, or else after the yeeere
the property thereof shall be to
the Lord, so that the Lord
make proclamation thereof ac-
cording to the Law.

Estreat.

Estreat est vn embleme ou
resemblance, & est com-
munement vse pur le Coppie
ou voir note d'un Original
escripiture, come Estreats de
Amerciamentz impose en los
rolles d'un Court destre leuie
per le Reue ou autre Officer
de chescun hœ pur son peche.
Veies F.N.B. 75. & 76. Et
issint il est vse en Westm. 2.
ca. 2. An. 13. Edw. 1.

Estreat.

Estreat is a figure or resem-
blance, and is commonly
vse for the Copie or true note
of an Original writing, as
Estreats of Amerciamentz im-
posed in the rolls of a Court
to bee leuied by the Wapite
or some other Officer of every
man for his offence. See F.
N.B. 75. & 76. And so it is
vse in Westm. 2. cap. 2. An-
no 13. Edw. 1.

Estrepmēt.

Estrepment.

Estrepment.

Estrepment is a writ, and it lyeth where one is troubled by a *Præcipe quod reddat* for certain land, if the Demandant suppose that the Tenant will doe waste hanging the ples, hee shall have against him this writ, which is a prohibition, commanding him that he doe no waste hanging the ples.

And this writ lyeth properly where a man demandeth land by *Formedon*, as writ of right, as such writs where he shall not recover damages, for in such writs where hee shall recover damages, hee shall have his damages, having regard to the waste done.

Estate probanda.

Estate probanda.

Estate probanda is a writ of office, and it lyeth for the houre of the Tenant that hold of the King in chiefe, for to prove that he is of full age, directed to the Sheriffe to enquire of his age, and then hee shall become Tenant to the King by the same services that his Ancestors made to the King. But it is to say that every one that shall passe in this enquest, shall be of the age of xiii. yeres at least, so that he was of full age when hee that hath the writ was borne.

Estrepment est vn Briefe, & gist lou vn est emplede per vn *Præcipe quod reddat* pur certaine terre, si le Demandant suppose que le Tenaunt voile faire waste pendaunt le ples, il auera vers luy cest Briefe que est vn prohibition, luy commandant que il ne face waste pendaunt le ples.

Et cest Briefe gist praprement lou vn home demande terre per *Formedon*, ou Briefe de droit, ou tiels Briefes lou il ne recouer damage, car en tiels Briefes lou il recouera damages, il auera son damages, ayant regard al waste fait.

Estate probanda est vn Brief de office, & gist par le heire le Tenaunt que tient del Roy en capite, pur prouuer que il est de plein age, direct al Viscount pur inquier de son age, & donques il deuendra Tenaunt al Roy p mesme les services que son Ancestors fist al Roy: Mais il est dit, q' cheste q' passer & cest enquest sera del age de xlii. ans al moins, issint q' le soit al pleine age al temps q' est restuy q' gist le Briefe fait nee.

Exaction.

EXaction est vn tort fait per vn Officer, ou p vn pretendant d'auer authoritie, en demandant ou predaunt ascun reward ou fee pur cel matter, cause, ou chose pur q le Ley ne pas allowa ascun maner fee.

Et semble que le difference perenter Exaction & Extortion est en ceo, Que Extortion est lou vn Officer d'maunda & extorta vn greinder summe ou rewarde que son voier fee : Et Exaction est lou vn Officer ou auter home demanda & vrger vn fee ou reward, lou nul maner de fee ou reward est due. Veies puis, Extortion.

Exception.

EXception est vn barre ou stoppe a vn action, & est diuide en exception dilatorie & pemptorie : De ceux ambideux veies *Bract. li. 5. Tract. 5. & Brit. cap. 91. 92.*

Excommungement.

EXcommungement est adire en Latine *Excommunicatio*, & est lou vn home per la iudgement en Court Christian est Excommunge, donq il est disable de suer ascun Action e Court le Roy, & sil remaine

Exaction.

EXaction is a wrong done by an Officer, or by one pretending to haue authority, in demanding or taking any reward or fee for that matter, cause, or thing, for which the law alloweth not any fee at all.

And it seemeth that the difference between Exaction and Extortion is in this, That Extortion is where an Officer demandeth and wresteth a greater summe or reward than his iust fee : And Exaction is where an Officer or other man demandeth and wresteth a fee or reward, where no fee or reward is due at all. See after, Extortion.

Exception.

EXception is a barre or stay to an Action, and is diuided into exception dilatorie and pemptorie : Of these two see *Bract. li. 5. Tract. 5. And Britton, cap. 91. 92.*

Excommungement.

EXcommungement is to say in Latine *Excommunicatio*, and it is where a man by the iudgement in Court Christian is Excommunged, then hee is disabled to sue any Action in the Kings Court, and if he remaine

Excommunicate xl. dayes, and will not be iustified by his Ordinary, then the Bishop shall send his Letter Patent to the Chancellour to certifie this Excommunication of contempt, and thereupon it shall be commanded to the Sherife to take the body of him that is accused, by a writt called *De Excommunicato capiendo*, till hee hath made agreement to holy Church for the contempt and wrong, and when hee is iustified and hath made agreement, then the Bishop shall send his Letters to the King, certifying the same, and then it shall be commanded to the Sherife to deliuer him by a writt called *Excommunicato deliberando*. See the Statute 5. Eliz. cap. 23.

Exchange.

Exchange is where a man is seised of certaine land, and another man is seised of other land, if they by a deed indented, or without deed, if the lands be in one County, exchange their lands, so that euery of them shall haue other lands to him so exchanged in fee, fee taile, or for terme of life, that is called an Exchange, and is good without livery and seisin.

Also in Exchange it beho-
meth that the estates to them
limited by the Exchange bee
equal, for if one should haue
an estate in fee in his land, and

Excommenge xl. iours, & ne voile este iustifie per son Ordinarie, donques le Euesque mandera son Letter al Chancellour, de certifier le Excommunication ou contempt, & sur ceo serra command al Viscount de prendre le corps le xcommenge per vn Brieft appel *De Excommunicato capiendo*, iefque il ad fait gree al saint Esglise pur le contempt & tort, & quant il est iustifie, & ad fait gree, donque Leuesque maundera ses Letters al Roy, certifiant ceo, & donques serra maunde al Viscount de luy deliuer per vn Brieft appel *Excommunicato deliberando*, Veies le Statute 5. El. cap. 23.

Exchange.

Exchange est lou vn home est seise de certaine terre, & vitauter home est seise de autre terre, si ils per vn fait indent, ou sans fait, si le Eres sont en vn Countie, exchange leur terres, issint que chescun d'eux auera auters terres a luy issint exchange en fee, en fee taile, ou a terme de vie, ceo est appel vn Exchange, & est bone sans livery & seisin.

Auxy en Exchange il con-
uient que les estates a eux
limit per l'exchaunge, sont
egales, car si vn aueroit
estate en fee en la terre, &

Y

Paure

The Exposition of

Pauter auroit estae en auter terre forsque pur terme de vie, ou en taile, donques tiel Exchange est void; mes si les estates sont egal, & les terres ne sont d'egal value, vncore l'exchange est bon. Auxy vn Exchange d'rent pur fre est bon. Auxy Exchange inter Rent & Common est bone, & ceo couient este per fait. Auxy il couient tous faits, que cest parol Exchange soit en le fait, ou autrement rien passa per le fait, sinon que'il aiet liuerie & seisin.

the other should haue estate in the other land but for terme of life, or in taile, then such Exchange is void, but if the estates bee egall, and the lands be not of egall value, yet the Exchange is good. Also an Exchange of rent for land is good. Also an Exchange betweene Rent and Common is good, and that ought to bee by deed. Also it behooueth alway, that this word Exchange bee in the deed, or else nothing passeth by the deed, except that hee haue liuerie and seisin.

Execution.

Execution.

EXecution est lou iudgment est done en aucun Action, que le Plaintife recouera la terre, le det, ou damages, cœ le case est, & quant aucun Briefe est agard de luy mitter en possession, ou de fayre ascun chose, per que le Plaintife serra le mieux satisfie son det ou damages, ceo est appel Briefe de Execution, & quante il ad le possession de le terre, ou est pay de det ou damages, ou ad le corps le Defendant agard al prison, donques il ad Execution, & si le Plee soit en County, ou Court Baron, ou Hundred, & ils delaioient le Execution del iudgment en fauour de partie, ou pur auf encheason, donqs le Demandant

EXecution is where iudgment is giuen in any Action, that the Plaintife shall reconer the land, debt, or damages, as the case is, and when any writ is awarded to put him in possession, or to doe any other thing, whereby the Plaintife should the better be satisfied his debt or damages, that is called a writ of Execution, and when hee hath the possession of the land, or is payed of the debt or damages, or hath the body of the Defendant awarded to prison, then hee hath Execution, and if the Plee bee in the Countie, or Court Baron, or Hundred, and they deferre the Execution of the iudgment in fauour of the partie, or other cause, then the Demandant shall

shall haue a writ of Executione Iudicii: Note, that in a writ of debt a man shall not haue recovery of any lands, but of them which the Defendant hath the day of the iudgement perished. And of chattels, a man shall haue Execution onely of the chattels which hee hath the day of the Execution sued.

auera Briefe de Executione Iudicii. Nota, que en Briefe de debt, home nauera recouerie de nul terre, mes de ceux que le Defendant auoyt iour de iudgement rendue. Et de chateux, home auera Execution seulement des chateux queux il auoit iour d'Execution sue.

Executor.

Executor is when a man makes his Testament and last will, and therein nameth the person that shall execute his Testament, then hee that is so named is his Executor, and is as much in the Ciuil Law as *Heres designatus*, or *Testamentarius*, as to debts, goods, and chattels of his Testator, and such an Executor shall haue an Action against every debtor of his Testator, and if the Executors haue assets, every one to whom the Testator was in debt shall haue an Action against the Executor, if he haue an Obligation or specialty, but in every case where the Testator might sue his Law, no Action lyeth against the Executor. See thereof before in the title Administrators.

Exemplification.

Exemplification is when a man will haue any original

Executor.

Executor est quant un homme fait son Testament & darreine Volunté; & en ceo nomme la person que executera son Testament, donques cestuy que est ainsi nomme est son Executor, & est a tant en le Ciuil Ley come *Heres designatus*, vel *Testamentarius*, come a det, biens, & charrels son Testator, & uel Executour auera Action vers chescun debtor de son Testator, & si l'Executors ont assets, chescun a que le Testatour fuit indebt, aia action vers l'executor, si ad obligation ou especialtie, mes en chescun case ou le Testator pouoit gager son Ley, nul Action gist vers Executour. Veies plus de ceo deuant titre Administrators.

Exemplification.

Exemplification est ou home voile auer aucun original

Record transcript & exemplifie hors del Court lou il remaine, a quel purpose il poit auer vn Briefe, come appiert p le *Regist. Orig. fo. 290.*

Et si home voile pleader vn Record en auē Court que ceo lou il remaine, il conient a luy de auer del Record exemplifie south le grand Seale D'engleterre, sil soyt denie, car doyt vener en le Chauncerie per *Certiorare*, & la destre exemplifie south le graund Seale, car sil soit exemplifie south le Seale de Common banke, ou del Excheqr, ou tiels semblables, ceo ne seruera, forsque en euidence al Iurie. *Voies Co. li. 5. fo. 53.*

Record written out and exemplified south of the Court where it remaines, to which purpose he may haue a writ, as appeareth by the *Regist. Orig. fo. 290.*

And if a man will plead a Record in another Court than where it remaineth, it behoneth him to haue this Record exemplified vnder the great Seale of England if hee bee denied, for it ought to come into the Chancery by *Certiorare*, and there to be exemplified vnder the great Seale, for if it be exemplified vnder the Seale of the Common pleas, or of the Exchequer, or such like, this will not serue, vnieste in euidence to a Jury. *See Co. li. 5. fo. 53.*

Exemption.

Exemption est vn priuiledge destre franke de seruice ou apparance: & pur ceo vn Baron & Baronesse, per reason de lour dignitie sont exempts destre iure sur aucun Enquest, *Co. li. 6. fo. 53.*

Auxy Chiualers, Clerkes, & Femmes sont exempts de apparer al Lecis, ou Tourne del Viscount. Et ceo est p l'estatute de *Marlebridge, cap. 10.*

Et home poit estre exempt destre mis sur Enquests ou Iuries per les Letteis Patents le Roy, come le President & Colledge ou Comminaltie

Exemption.

Exemption is a priuiledge to bee free from seruice or apparance: and therefore a Baron and Baronesse by reason of their dignitie are exempted to bee sworn vpon any Enquest, *Co. li. 6. fo. 53.*

Also knights, Clerkes, and women are exempted to appeare at Leets or the Sherifes Court. And that is by the Statute of *Marlebridge cap. 10.*

And a man may be exempted from being put vpon Enquests and Iuries by the Kings Letters Patents, as the President and Colledge or Comminalty

of

of Physicians in London were
by the Letters Patents of King
Hen. 8. Co. li. 8. fo. 108.

del Physicians en Londres fu-
eront per les Letts Patents del
Roy, H. 8. Co. li. 8. fo. 108.

Ex mero motu.

Ex mero motu.

EX mero motu are words fre-
quently used in Kings
Charters, whereby hee signi-
fies, that hee doth that which
is contained in the Charter
of his owne will and motion,
without petition or suggesti-
on made by any other: and the
effect of these words are to
barre all exceptions that might
bee taken to the instrument
wherein they bee contained,
by alledging, that the King in
passing that Charter was abu-
sed by any false suggestion,
Kyt. fo. 151.

And when the Kings Char-
ter hath therein these words, it
shall be taken most strongly a-
gainst the King, therefore if
the King ex mero motu par-
don to B. all his debts, all the
debts that B. oweth as Sheriffe,
are by this pardoned, and in
the like manner it is in many
other cases, where these words
shall bee taken as strongly a-
gainst the King, as if a com-
mon person had made the grant.
See Co. li. 1. fo. 45.

Exigent.

EXigent is a writ, and it lyeth
where a man sueth an Action

EX mero motu sont parols
vsualmente mis & les Char-
ters le Roy, per queux il im-
plie, que il fait ceo que est
containe en le Charter, de son
volunt & motion demesme,
sauns prier ou suggestion
fait per aucun auter. Et le
effect de ceux parols sont de
ouster tous exceptions que
poyeront estr' prise al instru-
ment en que ils sont contey-
nus, per alledger q le Roy en
donont de c' Charter fuit a-
buse p aucun faux allegation,
Kyt. fo. 151.

Et qnt vn Charē le Roy ad
en ceo cetūx parols, ils serra
prise pluis fortement vers le
Roy, p que si le Roy pardon
a B. tous ses dettes *ex mero
motu*, tous dettes que B.
doit come Viscount sont per
ceo pardon, & en mesme le
manner est en plusors auters
cases, lou ceux parols serra
trie cy fort vers le Roy, come
si vn Common person ad
fait le graunt. Vcies Co. lib. 1.
fol. 45.

Exigent.

EXigent est vn Brieve, &
gist lou home sue Action
personal,

The Exposition of

personal, & le Defendant ne poyt esse troue, ne ad riens deins le Countie, per que il puit esse attach, ne distreine, donques cest Briefe issiera al Viscount, de sayre proclamation al cinque Counties, chescun apres aüter, que il appeare, ou auterment il serra vtlage: & si soyt vtlage, donques tous ses biens & chateaux sont forfeytes al Roy. Auxy en vn Endictement de Felonie, le *Exigent* issiera apres le primer *Capias*. Et auxy en *Capias ad computandum*, ou *Ad satisfaciendum*, & en chescun *Capias* que issist apres iudgement, le *Exigent* issiera apres le primer *Capias*. Et auxy en appeale de mort, mes n'ey en appeale de robberie, ou appeale d'Mayhem.

personall, and the Defendant cannot be found, nor hath nothing within the County, whereby he may be attached, nor distreined, then this writ shall go forth to the Sherife to make Proclamation at five Counties, every one after another, that he appeare, or else that he shall be outlawed: and if hee be outlawed, then all his goods and chattels be forfeit to the King. Also in an Indictment of Felonie the *Exigent* shall goe forth after the first *Capias*. And also in a *Capias ad computandum*, or *Ad satisfaciendum*, & in every *Capias* that goeth forth after iudgment, the *Exigent* shall go forth after the first *Capias*. And also in appeale of death, but not in an appeale of robbery, or appeale of Mayhem.

Exigenter.

E*Xigenter* est vn Officer d'l Common Pleas, & de ceux sont quatre en nombre. Ils sont tous *Exigents* & Proclamations en tous Actions en quex proces de Vtlagary gift. Et ils sont Briefes de *Superfedeas* cybien come les Prototaries sur tiels *Exigents* come fueront faits en leur Office. Et de cest Officer mention est fait en les Statutes de 10. Henr. 6. cap. 4. & 18. H. 6. cap. 9.

Exigenter.

E*Xigenter* is an Officer of the Common Pleas, and of these three there are foure in number. They make out all *Exigents* & Proclamations in all Actions in which processe of Outlawry lies. And they make writs of *Superfedeas* as well as the Prototaries upon such *Exigents* as were made in their Office. And of this Officer there is mention made in the Statutes of 10. Hen. 6. cap. 4. & 18. H. 6. cap. 9.

Ex grani quarela.

EX grani quarela, see thereof
before in the title Deuise.

Ex grani quarela.

EX grani quarela, veies de
ceo deuant tit. Deuise.

Ex parte talis.

EX parte talis, looks thereof be-
fore, Tit. Account.

Ex parte talis.

EX parte talis, veies de cee
deuant tit. Account.

Expeditate.

*EX*peditate is a word used of-
tentimes concerning the
forrest, signifying to cut out
the balls of great Dogges feet,
for the preservation of the
kings game. And one of the
Articles to be enquired touch-
ing the forrest is, If all great
Dogges or Mastiues in the
forrest are expeditated, and if
there be any not expeditated ac-
cording to the Lawes of the
forrest, then the owner of eu-
ery such Dogge shall forfeit to
the King thre shillings and
four pence, *Cromptons Iurisd.*
fol. 152. *Master Manwood* useth
the same word, and part. 1. of his
Forrest Law, fol. 212. sets down
the manner of expeditating of
Dogs heretofore, which was,
that the three clawes of the fore-
foot on the right side shall be cut
off by the skinne, wherewith he
also addeth out of the ordinance
called the *Wille of the Forrest*,
that the same manner of expedi-
tating of Dogges shall be still
used and kept, and none other.

Expeditate.

*EX*peditate est vn parol plu-
sours fois vsé touchant le
Forrest, impliyant de prend
hors les balls des pees de
grand Chiens, pur le preser-
uation del sporte l' Roy. Et vn
des Articles desir enquire con-
cernant le Forrest est, si tous
grand Chiens ou Mastiues
deins le Forrest sont expédi-
tate, & si ascuns la sont nient
expeditate, accordant al Leyes
del Forrest, donq l' owner de
chescun tiel Chien, forfeitera
al Roy troys soulz & quat de-
niers, *Cromptons Iurisd.* fo. 152.
Monfieur Manwood vult
mesme le parol, & part. 1. de
son *Forrest Ley*, fo. 212. relata
le antient manner de expedi-
tating de Chiens, que fuit,
que les troys ortelles del pri-
mer pee del dext latere serrôt
abscindus per le pelle, a que
il auxy adde hors del ordi-
nance appel l' assise d' l Forrest,
q m le manner de expedita-
ting des Chiens serra iamme,
vsé & obserue, & nul autre.

The Exposition of

Quere de que il surd'ont, que *M. Crompton* & il differ'ont, l'un disant, que le ball del pee est abscinde, l'auter, q' les trois primer ornelles sont desum'us per le pelle.

Quere whence it growes that *Walter Crompton* and hee differ, the one saying, that the ball of the foot is cut out, the other, that the three fore clawes are cut off by the skinne.

Expensis militum leuandis.

E*xpensis militum leuandis* est vn Briefe direct al Viscount, p' leuier l' allowance pur Chiualers del Parliament, *Regist. Orig. fo. 191.b.* Et *Expensis militum non leuandis ab hominibus de antiquo domino, nec a natiuis*, est vn Briefe de p'hibi' l' Viscount d' leuier aucun allowance pur les Chiualers del County sur tiels queux tiendront p' ancient Demesne, &c. *Ibid. fo. 261.b.*

Expensis milirum leuandis.

E*xpensis militum leuandis* is a writ directed to the Sheriffe, for leuying the allowance for the Knights of the Parliament, *Regist. Orig. fo. 191.b.* And *Expensis militum non leuandis de hominibus de antiquo domino; nec a natiuis*, is a writ to prohibit the Sheriffe to leuie any allowance for the Knights of the County vpon such as hold in ancient demesne; &c. *Ibidem fo. 261.b.*

Extend.

E*xtend* est de appraiser les terres ou tenements d' vn oblige per Statute, &c. que ad ceo forseeite, & deliuerer euz al Conusee a tiel endifferente rate, come per l' annuel p'fites le Conusee en temps poer est' satisfie son debt. *Vires Fitzh. N.B. fo. 131. & Cok. li. 4. fo. 67. Fulwoods Case.*

Extend.

E*xtend* is to value the lands or tenements of one bound by Statute, &c. that hath forseeited it, and to deliuer them to the Conusee at such indifferente rates, as that by the yearly profits the Conusee in time may be satisfied his debt. *See Fitz. N.B. fo. 131. and Cok. li. 4. fo. 67. Fulwoods Case.*

Extinguishment.

Extinguishment.

EXtinguishment is where any Lord or any other hath any rent or seruice going out of any land, and hee purchaseth the same land, so that hee hath such estate in the land as hee hath in the rent, then the rent is extinct, for that one may not haue rent going out of his owne land. Also when any rent shall hee extinct, it behooueth that the land and the rent bee in one hand, and also that the Estate that hee hath bee not defeasible, and also that hee haue as good estate in the land as in the rent, for if hee haue Estate in the land but for terme of life or yeeres, and hath fee simple in the rent, then the rent is not extinct, but the rent is in suspence for that time, and then after the terme the rent is reuiued. And if there bee Lord, Mesne, and Tenant, and the Lord purchase the Tenancy, then the Mesnalltie is extinct, but the Mesne shall haue the surplusage of the rent, if there bee any, as rent secke. Also if a man haue a high way appendant, and after purchase the land wherein the high way is, then the way is extinct, and so it is of a common appendant.

Extinguishment.

EXtinguishment est lou asc' Seignior, ou ascun auter ad ascun rent ou seruice issuant dascun terre, & il pchase mesme le terre, issint que il ad tiel estate en la terre, come il auoit en le rent, donques le rent est extinct, pur ceo que vn ne puit auer rent issuant hors d son tre dmesne. Auxy quant ascun rent serra extinct, il couient que le terre & le rent sount en vn maine, & auxy que l'estate q il ad ne soit defeasible, & auxy que il ait auxy bone estate en la terre come en le rent, car sil ad estate en la terre fors q pur terme de vie ou d ans, & ad vn fee simple en le rent, donques le rent nest extinct, mes le rent est en suspence pur cel temps, & donques apres le tme le rent est reuiue. Auxy si soit Seignior, Mesne, & Tenant, & le Seignior purchase la Tenancie, donqs l' Mesnalltie est extinct, mes le Mesne auera le surplusage del rent, si ascun soit, come rent secke. Auxy si home ad chemin appendant, & puis purchase, le tre en que le chemin est, donques le chemin est extinct, & issint est de vn common appendant.

Extortion.

Extortion.

Extortion est vn tort fait
per vn Officer, Ordinary,
Archdeacon, Official, Maior,
Baylife, Viscount, Elcheator,
South-viscount, Coron, Gou-
ler, ou auter Officer, *colore*
officii sui, en prenant ex-
cessiue reward ou fee pur exe-
cution de son dit Office, ou
auement, & nest auter chose en
fait que plaine robberie, mes
pluis odible que robberie, car
robberie est apparant, & tout
temps ad oue luy le counte-
nance de vice, mes Extortion
estant cy hault vice que rob-
berie est, port oue luy vn coun-
tenance del vertue, p reason de
quel il est le pluis dure destre-
rie, ou discerne, & pur ceo le
pluis odible, & vncore ascuns
il y ad q ne voiloient demurr
mes stretch lour Office, credit,
& conscience, pur purchaser
money, cybien per extortion,
come auerment, accordant
al disans de le Poet *Virgil*,
Quid non mortalia pectora
cogit, auri sacra fames?

Evesdroppers.

Evesdroppers sont tiels qax
estioient desouth mures ou
fenestres p nuit ou iour a oyer
nouels, & a carrier eux al aués
a fayre strife & debate inélour
Vicines, ceux sont male mem-
bers en le Common-wealth,

Extortion.

Extortion is wrong done by
any Officer, Ordinary, Arch-
deacon, Official, Mayor, Bay-
life, Sheriffe, Elcheator, Cor-
oner, Under-sheriffe, Gaoler, or
other Officer by colour of his
office, by taking excessive reward
or fee for execution of his said
office, or otherwise, and is no o-
ther thing indeed than plaine
robbery, or rather more odious
than robbery, for robbery is ap-
parent, and alwaies hath with
it the countenance of vice, but
Extortion being as great a vice
as robbery is, carries with it
a countenance of vertue, by
meanes whereof it is the more
hard to bee tried, or discerned,
and therfore the more odious,
and yet some there be that will
not sticke to stretch their Office,
credit, & conscience, to purchase
mony, as well by extortion as o-
therwise, according to the saying
of the Poet Virgil, What is that
that hunger sweet of gold doth not
constraine men mortall to at-
tempt?

Evesdroppers.

Evesdroppers are such as stand
vnder walls or windowes
by night or day to heare newes,
and to carry them to others to
make strife and debate amongst
their Neighbores, these are evill
members in the Common-wealth,

and therefore by the Statute of Westminst. 1. cap. 33. are to bee punished.

And this misdemeanour is presentable and punishable in the Court Leet, Kitch. fol. 11.

& pur ceo per le Statute de Westminst. 1. ca. 33. sont destre punie.

Et cest misdemeañ est presentable & punishable en le Court Leete, Kitch fo. 11.

Evidence.

EVidence is generally used for some prooffe, bee it by the Testimony of men, or by writing. Sir Thomas Smith, lib. 2. cap. 17. bleth it in both sorts in these words : Evidence is authentick writings of Contracts, according to the manner of England, that is to say, written, sealed, and delivred.

And lib. 2. cap. 23. speaking of the Prisoner that standeth at the Barre to plead for his life, and of those that charge him with felony, saith thus, Then hee telleth what hee can say, after him also all those who were at the apprehension of the Prisoner, or who can give any signes or Tokens, which wee can in our Language, Evidence against the Malefactor.

Evidence.

EVidence est vse general-
ement pur ascun prooffe, soit il per le Testimonie de hōs, ou per escript. Sir Tho. Smith, lib. 2. cap. 17. ceo vīa en ambideux sorts en ceux parols : Evidence est authentique escripts de Contrac̃ts selonque le manner d'engleterre, cest adire, escrie, enseale, & deliuer.

Et lib. 2. cap. 23. parlant del Prisoner que estoia al Barre a pleader pur son vie, & de ceux que chargea luy oue Felonie, issint dit, Donque il monstre que il poit dire, puis luy auxy tous ceux queux fueront al apprehension del Prisoner, ou que poyent doner ascuns Indices ou Tokens, queux nous appellomus nostre Parlane, Evidence enuers le Malefactour.

Facultie.

The Exposition of

F.

Facultie.

Facultie est vn parol plusieurs fois vse en le Statute de 25. Hen. 8. cap. 21. & il signifie vn priuiledge ou special dispensation graunt al home per fauor & indulgence, de faire ceo que per le Ley il ne puit faire, sicke de manger chaire en iours prohibits, ou pur tener deux ou plusieurs Ecclesiasticall Benefices ensemble, &c. Et par le graunter de ceux faculties la est vn especial Officer desouth l' Archeuesq. de Canterburie, q est apel le Master des Faculties.

Failer de Record.

Failer de Record est quant vn Action est port enuers vn, & le Defendant plede ascun matter de Record en auter sort, & auer de ceo proue per le Record; & le Plaintife dit nul tiel Record, sur que le Defendaunt ad iour done a luy, pur amesne eins le Record, a quel iour il faile, ou amesne eins vn tiel que nest barre al cest Action, donques il est dit pur Failer d son Record, & sur ceo

F.

Facultie.

Facultie is a word often used in the Statute of 25. Hen. 8. cap. 21. and it signifies a priuiledge or special dispensation graunted unto a man by fauour and indulgence, to doe that which by the Law hee cannot doe, as to eate flesh vpon dayes forbidden, or to hold two or more Ecclesiasticall Liuinges, and the like. And for the graunting of these faculties there is a special Officer vnder the Archbishop of Canterbury, called the Master of the Faculties.

Failing of Record.

Failing of Record is when an Action is brought against one, and the Defendant pleads any matter that is of Record in another sort, and doth auerre to proue it by Record; and the Plaintife saith there is no such Record, whereupon the Defendant hath day giuen him to bring in the Record, at which day he faileth, or brings in such a one, as is no barre to this Action, then hee is said to faile of this record, & thereupon

the Plaintife shall haue iudgement to recouer, &c.

le Plaintife auera iudgement de recouerer.

Faint action.

FAint action, as Littleton, fol. 154. saith, is as much as to say in English a fained Action, that is to say, such Action, as although that the words of the Writ bee true, yet for certaine causes he hath not cause nor title by the Law to recouer by the same Action: And a false Action is where the words of the Writ are false. So faint pleading is a couenous, false, and collusory manner of pleading, to the deceit of a third party. And against such faint pleading amongst other things the old Statute in 3.E.1.cap.29. seems to be made.

Deed.

DEED is a writing sealed and deliuered, to proue and testify the agreement of the parties, whose deed it is, to the thing contained in the Deed, as a Deed of Feoffment is a proofe of the liuerie of seisin, for the land passeth by the liuerie of seisin, but when the Deed and the Deliuery are ioyned together, that is a proofe of the liuerie, and that the feoffor is contented that the feoffee shall haue the land.

And note, That all Deeds are either indented, whereof there be

Faint action.

FAint action, come Littleton, fo. 154. dit, est autant adire en Anglois vn fained Action, cest acauire, tiel Action q̄ coment q̄ les parols de le Brieve sont voyers, vn core pur certaine causes il nad cause ne title per la Ley de recouer per mesme l' Action: Et faux Action est lou les parols del Brieve sont faux. Il sint faint pleader est vn couenous, faux, & collusorie manner de pleading, al deceipt d'un tierce partie. Et encounter tiel faint pleader, en aüs choses le vieux Statute en 3.E.1.ca.29. semble destre fait.

Fait.

FAIT est vn escript enseale & deliuer, a prouer & tester l' agreement del partie, quel fait il est, al chose containe en le Fait, come vn Fait de Feoffement est vn prouue del liuerie de seisin, car le terre passe per le liuerie de seisin, mes quant le Fait & le liuerie est ioynt ensemble, cest vn proue del liuerie, & que le feoffor est content q̄ le feoffee auera le terre.

Et nota, Que tous Faits sont ou indent, de quel y sont deux,

deux, trois, ou plusieurs parties, come le case require, de que le feoffour, grauntour, ou lessour ad vn, le feoffee, grantee, ou lessee, vn autre: Et peraduenture ascun autre person auxy vn autre, &c. Ou auterment ils sont faits pol, ou single, & forsque vn, le quel le feoffee, grantee, ou lessee ad, &c. Et chescun fait consist de trois principal choses, (& si ceux trois ne sont ioyne ensemble, il n'est perfect fait de lier les parties) nismement, escripture, sigillation, & deliuerie.

Le primer point est escripture, per que est declare les nosmes del parties al fait, leur habitations, leur degrees, le chose grauntus, sur queux considerations, l'estate limit, le temps quant il suit grauntus, & si simplement, ou sur condition, oue autres tiels semblables circonstances. Mes si les parties al fait escript en le fine leur nosmes demesne, ou mis a ceo leur marques (come il est communement yse) il ne fait ascun matter (come Ieo suppose) car ceo n'est entende, ou il est dit, que chescun fait couient de auer escripture.

Le second point est sigillation, que est pluis Testimonie de leur consents al ceo containe en le Fait, come appiert per ceux parols, *In cuius rei Testimonium, &c.* on a tiel effect, mis en le fine de

two, three, or more parts, as the case requirereth, of which the feoffor, grauntoe, or lessee hath one, the feoffee, grantee, or lessee another: And peraduenture some other body also another, &c. Or else they are poll deeds or single, and but one, which the feoffee, grantee, or lessee hath, &c. And every deed consisteth of three principle points, (and if these three bee not ioyned together, it is no perfect deed to bind the parties) namely, writing, sealing, and deliuerie.

The first point is writing, whereby is shewed the parties names to the deed, their dwelling places, their degrees, the thing graunted, vpon what considerations, the estate limited, the time when it was graunted, and whether simply, or vpon condition, with other such like circumstances. But whether the parties vnto the deed write in the end their owne names, or set to their marks (as it is commonly used) it maketh no matter at all (as I thinke) for that is not meant, where it is said, that every deed ought to haue writing.

The second point is sealing, which is a further Testimonie of their consents to that contained in the Deed, as it appeareth in these words, In witness whereof, &c. or to such effect, alwaies put in the latter end of

Deeds, without which words the Deed is insufficient. And because wee are about sealing and signing of Deeds, it shall not be much amisse here to shew you for Antiquities sake, the manner of signing and subscribing of Deeds in our Ancestors the Saxons times, a fashion differing from that wee use in these our dayes, in this, that they to their Deeds subscribed their names (commonly adding the signe of the Crosse) and in the end did set downe a great number of witnesses, not using at that time any kind of seale. And we at this day for more suretie, both subscribe our names. (although that bee not very necessary, as I haue aforesaid) and put to our Seales, and use the helpe of Testimonies besides. That former fashion continued throughout, untill the time of the Conquest by the Normans, whose manners by little and little at the length prevailed amongst vs. for the first sealed Charter in England is thought to bee that of King Edward the Confessor to the Abbey of Westminster, who being brought by in Normandy, brought into this Realme that and some other of their guises with him. And after the coming of William the Conquerour, the Normans liking their owne Country customes (as naturally all Nations doe) reiect the man-

Faits, sans queux parols, le Fait est insufficient. Et par ceo que nous sumus en sigillation & signing de Faits, il ne serra de hors, icy a monstre a vous, par l'amour del Antiquite, le manner del signing & subscribing de Faits, en nostre Ancestors le Saxons temps, vn fashion different d' ceo que nous use en ceux nostre iours, en ceo q' ils a leur Faits subscribe leur nosmes, (communement adding le signe del Crosse) & en le fine mis vn grand number de Testmoignes, nient v-sant a cel temps aucun man d' sigil. Et nous a cest iour pur plus suertie, auxy bien subscribe nostre nosme (nient obstant ceo nest mult necessarie, come Ico aye deuaunt dit) & mis nostre Sigilles, & use le ayde des Testmoignes auxy. Cest primer fashion continue per tout, ranque al temps del Conquest per les Normans, quel manners per petite & petite al darrein preuaile enter nous, car le primer Charter sigil en Engleterre est pense destre ceo del Roy Edward le Confessor al Abbey de Westminster, que esteaunt educate en Normandie, port en cest Realme ceo & aucun auter de leur guises. Et apres le veniens de Guiltiam le Conquerour, les Normanes estimants de le custome de leur pays (come naturellement tous Nations font) reiect le man-

The Exposition of

ner que ils trouont cy, & re-
teygnont leur proper, cōe *In-*
gulphus l' Abbot de Croiland,
que vient eins oue l' Conquest
tesmoigne, dicens : *Normanni*
cheiographorum confessionem,
cum crucibus aureis, & aliis
signaculis sacris in Anglia fir-
mari solitam, in cerâ impressâ
mutant, modumque scribendâ
Anglicum rejiciunt. Mes nient
obstant ceo ne fuit fait tout
al vn temps, mes il increase &
vient eins per certaine steps &
degrees, issint que primes &
pur vn saison le Roy solemēt,
ou vn peu auter de le Nobili-
tie ouster luy vse de sigiller :
Donques le Noble homes pur
le plus part, & nul auters :
Quel chose vn hōe poit veier
E le Historie de *Battel Abbey*,
lou *Rich. Lucie* chiefe Iustice
de Engleterre, en la temps del
Roy *Hen.* le second, est report
de auer blame vn meane sub-
iect, pur ceo que il vse vn pri-
vate Sigille, quant ceo praine
(come il dit) al Roy & No-
bilitie solement.

A quel temps auxy (come *I.*
Rosse note ceo) ils vse de in-
grauē en leur Sigils leur pi-
ctures demesne, & countfeits,
couer oue longe tunicle super
leur Armours. Mes apres ceo
les Gentlehomes del meliour
sorts prist l' fashon, & pur ceo
que ils ne fueront tous guer-
rours, ils fesoient Sigilles in-
grauē oue leur seuerall Coats
ou Shields de Armes, pur dis-

ner that they found here, and
retained their owne, as *Ingul-*
phus the Abbot of *Croiland*,
who came in with the Con-
quest witnesseth, saying : The
Normans doe change the making
of writings, which were wont to
be firmed in England with Cro-
ses of gold, and other holy signes,
into the prining waxe, and they
reiekt also the manner of the En-
glish writing. Howbeit this was
not done all at once, but it in-
creased and came forward by
certaine steps and degrees, so
that first and for a season the
King onely, or a few other of
the Nobilitie besides him used
to seale : Then the Noble men
for the most part, and none o-
ther : which thing a man may
see in the Historie of *Battel*
Abbey, where *Richard Lucie*
chiefe Justice of England, in
the time of King *Henry* the se-
cond, is reported to have blamed
a meane subiect, for that he used
a private Seale, when as that
pertained (as he said) to the King
and Nobility only.

At which time also (as *I.*
Rosse noteth it) they used to in-
grauē in their Seales their
owne pictures and counterfeits,
couered with a long coate ouer
their Armours. But after this
the Gentlemen of the better
sort tooke vp the fashon, and
because they were not all war-
rours, they made seales ingra-
uen with their seuerall Coates
or Shields of Armes, for dif-
ference

science sahe, as the same Authour reporteth. At the length, about the time of King Edward the third, seales became very common, so that not only such as bore Armes vsed to seale, but other men also fashioned to themselves Signets of their owne deuices, some taking the Letters of their owne names, some flowers, some knots and flourishes, some Birds and Beasts, and some other things, as wee now yet daily behold in vse.

Some other manners of sealings besides these haue beene heard of among vs, as namely, that of King Edward the third, by which he gaue to Norman the Hunter, the Hop and the Hop Crown, with all the bounds vpside downe, and in witness that it was sooth, hee bit the waxe with his fore tooth.

The like to this was shewed to mee by one of my friends in a loose paper, but not very anciently written, and therefore he willed mee to esteeme of it as I thought good: It was as followeth.

I William King, giue to thee Powlen Royden, my Hop and my Hoplands, with all the bounds vp and downe, from Heauen to Earth, from Earth to Hell, for thee and thine to dwell, from mee and mine, to thee and thine, for a How and a broad Arrow, when I come to hunt vpon Parrow. In witness

serence, come mesme l' Authour report. Al darreine, en temps del Roy Ed. l' 3. sigils fueront mult common, ainsi q non solemt tiels q portant Armes vse de sigiller, mes autres hoes auxy fesoient al eux mesmes Signets de leur deuises demesme, ascuns pndrants les Letters de leur nosmes demesme, ascuns Flowers, ascuns Knots & Flourishes, ascuns Oyseaux & Beasts, & ascuns auts choses, cõe nous ore vnc iournalmt veimous en vse.

Ascuns autres manners de sigillation ouster ceux ad estre oye enter nous, come nosme- ment ceo del Roy Edward le tierce, p que il done al Norman le Hunter, le Hop & le Hop ville, oue tous les bounds vpside downe, & vñ testmoign q il soit verie, il mor d le cere oue son fore det.

Le semblable d cest fuit monstre a moy p vn de mes amies en vn loose char, mes non mult ancientmt elcript, & pur ceo il voile moy que Ieo esteema d ceo come Ieo pense bien: Il fuir come ensuist.

Ieo Guiliam King, done a vous Powlen Royden, ma Hop & ma Hop terres, oue tous les bounds vp & downe, de Coelo al Terre, de Terre ad Infernum, pur toy & vestres a demurrer d moy & mes, al toy & vestres, pur vñ arcke & vñ broad sagit, qnt Ieo yeigh pur hnt sur Yarrow. In testmoign

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que ceo est veray, Ico morde cest cere oue mon dent, en presence de Magge, Maude, & Margerie, & mon tierce fitz Henrie.

Item ceo de Albericke de Veer, conteignant le donation de Hatfield, al quel il fixe vn curt noyer haft cuttel, semblable al vn vieux demy-dennier whittle, en steed de vn seal, oue diús tiels semblables.

Mes ascú peradventure voylent pense, que ceux fuerount receiue en common vse & custome, & que ils ne fueront le deuises & pleasures d'un peu singular psons, tiels quels ne sount meynes deceiue, que ils que pensont chescun Charter & Escrip que ne ad sigille annex, destre cy auintient come le Conquest, lou en veritie sigillation n fuit comunemét vse tanque al temps del Roy Ed. 3. come ad estre dit.

Le tierce point est Deliuerie, quel nient obstaunt il soit mist darreign, nest l' meanest, car aps que vn Fait soit escript & sigille, si ne soit deliú, tout le residue est a nul purpose.

Et cest Deliuerie doyt estre fait per le partie luy mesme, ou son sufficient Garraunt, & assint il luy liera queuncq; escript ou sigil ceo, & per cest darreine act le Fait est fait perfect, accordant all entent & effect de ceo, & pur c' en Faits le Liuerie est destre proue, &c.

that this is soth, I bit thar swate soth my toth, in the presence of Magge, Maude, and Margerie, and my thirð sonne Henrie.

Also that of Albericke de Veer, containing the donation of Hatfield, to which he affixed a short blacke hasted kniffe, like vnto an old halfe-penny whittle, in stead of a seale, sothly diuers such like.

But some peradventure will thinke, that these were receiued in common vse and custome, and that they were not rather the deuises and pleasures of a few singular persons, such as are no lesse deceiued than they that deeme every Charter and writing that hath no seale annexed, to bee as ancient as the Conquest, whereas indeed sealing was not commonly vsed till the time of King Edw. 3. as hath been already said.

The third point is Deliuerie, which although it bee set last, is not the least, for after that a Deed is written and sealed, if it be not deliuered, all the rest is to no purpose.

And this Deliuerie ought to bee done by the party himselfe, or his sufficient warrant, and so it shall bind him, whosoever wrote or sealed the same, and by this last act the Deed is made perfect, according to the intent and effect thereof, and therefore in Deeds the deliuey is to be proued, &c.

So thus you see, That writing and sealing without Delivrie is nothing to purpose : That sealing & delivrie where there is no writing worke nothing : For writing and delivrie without sealing also make no Deed. And therefore they all ought jointly to concur to make a perfect Deed, as is before said.

Il n'est poyes veyer, Que escripture & sigillation sans delivrie est a nul purpose : Que sigillation & delivrie lou n'est asc' escripture, work nul chose : Ne escripture & delivrie sans sigillation auxy fait nul Fait. Et pur ceo ils tous doivent jointment concurre p' faire vn perfect Fait, come est auantdit.

Faitour.

Faitour.

Faitour is a word used in the old repealed Statute of 7.R.2.cap.5. and it is theretaken in the worse sense for an evil doer, or an idle companion, and it seemeth there bee a Synonymon to Vagabond.

Faitour est vn parol q' est vie en le vieux repeale Statute de 7.R.2.cap.5. & est la prise en l' pire sensé p' vn male feator, ou vn oisif companion; & semble icy destre vn Synonymon al Vagabond.

Fardingdeale.

Fardingdeale.

Fardingdeale, otherwise Farndel of land, signifies the fourth part of an acre. Cromptons Iurisdiccions, fo. 220.b. Quadrantata terræ is read in the Reg. Orig. fo. 1.b. where you may haue denariata & obolata, solidata and librata terræ, which by probability must rise in proportion of quantity from Fardingdeale, as a halfe-penny, penny, shilling, or pound rise in value and estimation, then must Obolata be halfe an Acre, Denariata the Acre, Solidata twelue Acres, and Librata twelue score Acres. Yet in the Reg. Orig. f. 94. & 248.

Fardingdeale, autrement Farndel de terre, implia le quart part d'un Acre, Cromptons Iurisdiccions fo. 220.b. Quadrantata terra est lie en le Regist. Origin. fol. 1.b. lou vous auez auxy, denariata & obolata, solidata & librata terre, que p' probabilitie surderoit en proportion de quantitie de Fardingdeale, come vni male denier, soulz, ou liuer surdout e' value & estimation, donque Obolata est vn demy Acre, Denariata l' Acre, Solidata douze Acres, & Librata douze score Acres. Vnc' e' l' Reg. orig. f. 94. & 248.

vous poyes trou *viginti libratas terra vel reditus*, per que il semble, que *librata terra* est tant que dona vigint soulz per l'an, & *centum solidatas terrarum, tenementorum, & redituum*, fo. 249. Et en F.N.B. fol. 87. la sont ceux parols, *Viginti libratas terra vel reditus*, que proua ceo destre tant tre cœ est rate al vigint soulz p l'an. Veies Furlong.

you may find *viginti libratas terræ vel reditus*, wherby it seemeth that *librata terræ* is as much as *peetes xx.s.* by the peere, & *centum solidatas terrarum, tenementorum, & redituum*, fo. 249. and in F.N.B. fo. 87. there are these wordes, *Viginti libratas terræ vel reditus*, which proueth this to bee so much land as is rated at twenty shillings by the peere. See Furlong.

Parme ou Ferme.

Farme ou Ferme est specialment le chiefe messuage en un Village ou Towne, a q'appertinent grand demeanes de tous sorts, & ad cste vse destre lessé pur terme de vie, ans, ou a volunt.

Item le rent que est reserue sur tiel lease, ou semble, est appellee Farme ou Ferme.

Et Farmour ou Fermour est celuy que occupia le Farme ou Ferme, ou est Lessée de ceo.

Auxy generalment chescun Lessée p vie, ans, ou al volunt, nient obstant il soit d'un petit cottage ou messuage, est appel Farmour ou Fermour.

Et nota, Que ils sont appellees Farmes ou Fermes, del Saxon parol *Feormion*, q signifie pur feed, ou rend victual. Car en antient temps leur reseruations fueront cybien (ou pur le plus part) en victual, come argent, tanq al darreine,

Farme or Ferme.

Farme or Ferme is specially the chiefe messuage in a Village or Towne, whereto belongeth great demeanes of all sorts, and hath bin vsed to be let for terme of life, yeeres, or at will.

Also the rent that is reserued vpon such a lease, or the like, is called Farme or Ferme.

And Farmour or Fermour is he that occupieth the Farme or Ferme or is Lessee thereof.

Also generally euery Lessee for life, yeeres, or at will, although it be of neuer so small a cottage or house, is called Farmour or Fermour.

And note, That they are called Farmes or Fermes of the Saxon word *Feormion*, which signifieth to feed, or yeeld victual. For in ancient time their reseruations were as well (or for the most part) in victuals, as money, untill at the last, and

and that chiefly in the time of King Henry the first, by agreement, the reservation of victuals was turned into ready money, and so hitherto hath continued amongst most men.

& ceo principalment en le temps de Roy H. 1. per agreement, le reservation de victuals fuit conuert en readie argent, & issint vncore ad continue enter plusours homes.

Fate or Fatt.

Fate ou Fatt.

Fate or Fatt is a measure mentioned in the Statutes of 1.H.5. cap. 10. and 11.H.6.ca.8. to containe eight bushels, but the Citizens and Merchants of London (as it appeares by those Statutes) and the Kings Purueyors, would haue that measure and a bushell ouer for one quarter, and so they had nine bushels for one quarter of cozne.

Fate ou Fatt est vn measure mention en lestatutes de 1.H.5.ca.10 & 11.H.6.cap.8. pur contenir huit boisseaus, mes les Citizens & Merchants d' Londres (cōe appiert p ceux Statutes) & les Purueiors le Roy voilont auer ceo measure, & vn boisseau ouster pur vn quartier, & issint ils auoient neufe boisseaus pur vn quartier de blee.

Faux imprisonment.

Faux imprisonment.

Faux imprisonment is a Writ, and it lyeth where a man is arrested and restrained from his liberty by another against the order of the Law, then he shall haue against him this Writ, whereby hee shall recouer damages. See more thereof before, ut. Arrest.

Faux imprisonment est vn Briefe, & gift lou home est arrest & restraints de son libertie per vn autre, encounter order de Ley, donques il auera vers luy cest Briefe, per que il recouera dammages. Veies pluis de ceo deuant tit. Arrest.

Faux iudgement.

Faux iudgement.

Faux iudgement, see thereof before, ut. Error.

Faux iudgement, veies d' ceo deuant tit. Error.

Fee.

Fee (*Feodum*) est en nostre Ley vox æquiuoca des diuers significacions, car est plus communement prise pur vn estat del inheritance en fies ou tenements al vn & ses heires, ou al vn & les heires d son corps. Mes est vse auxy pur le compasse, circuit, ou extent dun Seignorie ou Mannor. Et de ceo venust l' ordinarie plee en barre al vn Auowry, Que le fre sur que il auow est hors de son fee. Et tiercement, il est prise pur le reward, ou salarie done al vn pur l' execution de son office, cõe le fee dun Forester, ou le Gardeine dun Parke, ou le fee dun Viscount pur l' seruer dun Execution, cõe est limit p lestatute 29.Eliz cap 4 Et issint est auxy prise pur ceo consideration q est done al vn Sergeant al Ley, ou al vn Pleader, ou vn Physitian pur lour counsel ou aduice e lour profession, que (come est bien obserue per Sr Io. Daues en son preface a ses Reports) nest pperint *Merces*, fors q *Honorarium*. Mes vnc en le dialect de nostre Ley c' est appel son fee.

Fee ferme.

Fee ferme est quant vn Tenant tient de son Seignior en fee simple, rendant a luy le value del moitie, ou de tierce

Fee.

Fee (*Feodum*) is in our Law an equiuocall word of diuers significacions, for it is most usually taken for an estate of inheritance in lands and tenements to one and his heires, or to one and the heires of his body. But it is used also for the compasse, circuit, or extent of a Lordship or Mannor. And from thence comes the ordinary plee in barre to an Auowry, That the land vpon which hee auowes is out of his fee. And thirdly, it is taken for a reward, or wages giuen to one for the execution of his office, as the fee of a Forester, or the keeper of a Parke, or a Sheriffes fee for seruing of an Execution limited by the Statute of 29.Eliz ca.4. And so it is also taken for that consideration which is giuen vnto a Sergeant at Law, or a Counsellour, or a Physitian, for their counsell or aduice in their profession, which (as it is well obserued by Sir Io Daues in his preface to his Reports) is not properly *Merces*, but *Honorarium* But yet in our Law language it is called his fee.

Fee farme.

Fee farme is when a Tenant holdeth of his Lord in fee simple, paying to him the value of halfe, or of the third part,

part, or of the fourth part, or of the other part of the land by the peere. And hee that holdeth by les farme ought not to pay reliefe, or doe any other thing that is contained in the feoffment, but fealty, for that belongeth to all kind of Tenures.

part, ou quart part, ou de autre part del terre per an. Et il que tient en fee ferme ne doyt payer reliefe ou faire autre chose mes sicome est conteine en le feoffment, forsque fealtie, car. c' appent a tous maners Tenures.

Fee simple.

Fee simple is when any person holds lands or rent, or other thing inheritable to him and to his heires for evermore, and these words, his heires, make the estate of inheritance, for if land bee given to a man for ever, yet he hath but an estate for terme of life.

Also if the Tenant in fee simple dye, his first sonne shall bee his heire, but if he have no son, then all his daughters that hee hath shall be his heires, and every one shall have her part by partition, but if hee have no son nor daughter, then his next cousin collateral of the whole blood shall be his heire.

Feoffment.

Feoffment is where a man giveth lands, houses, or other corporall things which bee hereditable to another in fee simple, & thereof delivureth livery & seisin, and possession, it is a feoffment. Also if one make a gift in

Fee simple.

Fee simple est quant aucun person tient terre ou rent, ou autre chose inheritable a luy & ses heires a toute iours, ceux parols, Ses heires, font lestat' d' enheritance, car si ire soit done a home a tous iours, vnc' il nad forsque estat pur terme de vie.

Auxy si Tenant en fee simple deuie, son primer fils serra son heire, mes sil nad fils, donque tous les files que il ad serront son heire, & chescun auera son part p partie, mes sil nad fils ne file, donques son prochain cousin collateral de l'entire sanke serra son heire.

Feoffment.

Feoffment est lou vn done terre ou tiel chose corporal hereditable a vn autre en fee simple, & de ceo deliuer seisin & possession, ceo est vn feoffment. Auxy si vn fait done en le

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taile,

The Exposition of

gale, ou lease pur tme de vie,
ou pur terme d'auter vie, il co-
vient auxy de done liuerie &
seisin, ou autrement riens pas-
sera per le grant.

talle, or a lease for terme of life,
or of another mans life, it be-
hooves also to giue livery and
seisin, or else nothing shall passe
by the grant.

Feoffor & Feoffee.

Feoffor and Feoffee.

FEoffor est celuy que enseoffe
ou fait feoffement al'auter
de terres ou tenemens en fee
simple: Et **Feoffee** est celuy q
est enseoffe, ou a que le feoff-
ment est issint fait.

FEoffor is hee that insoffeth
or maketh a feoffment to an-
other of lands or tenements in
fee simple: And **feoffee** is hee
who is insoffed, or to whom
the feoffment is so made.

Fealtie.

Fealtie.

FEaltie est vn seruice appelle
en Latine, *Fidelitas*, & ser-
ra fait en tiel manner, cests-
scavoir, le Tenant tiendit sa
maine dextre sur vn liuer, &
dirra a son Seignour, Ieo a
vous serai foyal & loyal, &
foy vous portera des teneus
que Ieo claime de tener de
vous, & verament a vous serai
les customes & seruices que
faire vous doy al termes as-
signes, sicome moy cyde
Dieu: & basera le liuer: mes
il ne genuler, come en fesant
homage. Et de ceo veies apres
en le tite *Homage*. Auxy fe-
altie est incident a tous man-
nais Tenures.

FEaltie is a seruice called in
Latine *Fidelitas*, and shall bee
done in such manner, viz. the
tenant shall hold his right hand
vpon a booke, and shall say to his
Lord, I shall bee to you faith-
full and true, and shall beare to
you faith for the lands and tene-
ments which I claime to hold
of you, and truely shall doe to
you the customes and seruices
that I ought to do to you at the
termes assigned, so helpe mee
God: and shall kisse the booke:
but hee shall not kneele as in
doing homage. And thereof see
after in the tite *Homage*. Also
fealtie is incident to all man-
ner Tenures.

Felonic.

Felonic.

Felonic is a generall terme, which comprehendeth diuers hainous offences, for which the offenders ought to suffer death, and lose their lands: And it seemeth that they are called felonies of the Latine word *Fel*, which is in English *Gall*, in French *Fiel*: or of the ancient English word, *Fell*, or *fierce*, or because that they are intended to be done with a cruell, bitter, fell, fierce, or mischievous minde. And some of them are, when a man without any colour of Law stealeth the goods of another amounting to the value of twelue pence or more, that is *Larceny*: but if any approacheth the person of another in the high-way, and robbeth him of his goods, although it be to the value of one penny, it is *Felonic*, and that is called *robbery*, and therefore hee shall be hanged.

Ferdfare.

Ferdfare is to be quit from going to warre, *Flet.lib.1. ca.47.*

Ferdwit.

Ferdwit is to be quit of murder committed in the army, *Flet. lib.1. cap.47.*

Felonie.

Felonie est vn general terme que comprehend diuers heynous offences, pur que l'offendours doyent suffer mort, & perdre leur tres. Et semble que eux sont appellees Felonies del Latine parol *Fel*, que est en Anglois *Gall*, en Francois *Fiel*: Ou del auintient parol Anglois, *Fell*, ou *Fierce*, ou pur ceo que sont entends destes faits felleo animo, with bitter, fell, fierce, ou mischievous mind. Et ascuns de ceux sont, quant home sans aucun colour de *Ley*, emblea les biens d'un auter, amountant al value de xii. deniers, ou pluis, ceo est *Larceny*: Mes si vn approcha a le person d'un auter en le hault-chemin, & luy robba d ses bns, mesque ils ne sont forsque al value de vn denier, il est *Felonie*, & ceo est appel *robberie*, & pur ceo il serra pendue.

Ferdfare.

Ferdfare, hoc est quietum esse de cundo in exercitum, *Flet.lib.1.ca.47.*

Ferdwit.

Ferdwit, hoc est, quietum esse d' murthero in exercitu facto, *Flet. lib.1. ca.47.*

Fence-moys.

F*ence-moys* est vn parol del forest, & signi fie le space d' 31.iours en l' an, cest ascauoir, 15.iours devant Midsummer, & 15.iours apres, en ql temps est prohibit pur ascun home d' chaser en le forest, ou de passer en ces pur disturber les feres. Le reason de que est, pur ceo que a ceo temps parturiunt Dames. Et pur ceo cest moys est appel le Fence-moys, ou defence-moys eo que les Dames sont adonq destre defends del fright ou terror. See *Manw. Forest Leyes*, c. 12. fol. 90. b.

Feodarie.

F*eodarie* est vn Officer e le Court d' Gards, appoint p le Mr. de ceo Court per vertue del Stat. 32. H. 8. cap. 46. D'eo present ouesq l' Escheator en chescun Countie al trouver des offices, & a doner euidence pur le Roy sibien pur le value come pur le tenure. Et son office est auxy pur suruey les terres le Gard apres l' office troue, & pur retourne le verie value de eux en le Court. Pur assigner dower as vesues le Roy. Pur receiuer tous les rents des terres les Gardes deins son circuit, & pur eux responder al Receiuer l' Court.

Fence-moneth.

F*ence-moneth* is a forrest word, and signifies the time of 31. dayes in the yere, that is to say, 15. dayes befoze Midsummer, and 15. dayes after, in which time it is forbidden for any man to hunt in the forrest, or to goe into it to disquiet the wild beasts. The reason of which is, because the female Deere doe then fawne. And therefore this moneth is called the fence-moneth, or defence-moneth, for that the Deere are then to bee defended from scare or feare. See *Manw. For. Lawes*, cap. 13. fo. 90. b.

Feodarie.

F*eodarie* is an Officer in the Court of wards, appointed by the Master of that Court by vertue of the Statute 32. H. 8. cap. 46. to bee present with the Escheator in euery County at the finding of offices, & to giue in euidence for the King as well for the value as the tenure. And his office is also to suruey the lands of the ward after the office found, & to returne the true value therof into the Court. To assigne dower vnto the Kings widows. To receiue all the rents of the wards lands within his circuit, and to answer them to the Receiver of the Court.

Feude.

Feude.

Feude oz deadly feude, cometh of the German word Feida, alias faida Bellum, and it signifies un placable hatred, not to bee satisfied but with the death of the enemy, such is that amongst the people in the Northern parts of England, which is a combination of all the kindred to revenge the death of any of the blood upon the slayer and all his race, and this word is mentioned in the Statute of 43. Eliz. cap. 13.

Fieri facias.

Fieri facias is a writ iudiciall, and it lyeth where a man recouereth debt oz dammages in the Kings Court, then hee shall haue this writ to the Sherife, commanding him that hee leue the debt and dammages of the goods of him against whom the recovery is had, and it lyeth alwaies within a yeere and a day, and after the yeere he must sue a Scire facias, and if hee be warned, and doth not come at the day, &c. oz if hee come and can say nothing, then hee which recouereth shall haue a writ of Fieri facias directed to the Sherife, that hee make him to haue execution of iudgement.

But if a man recouer against a woman, & she take a husband

Fende.

Feude ou mortal feude venust del parol Germanois Feida, alias faida Guerre, & signifie vn haine emplaceable, q ne poit estre satisfie forsque oue le mort del enemy, tiel est ceo ent les homes en le Nord parts de Engleterre, que est vn combination de tout le consanguinitie pur le vengeance del mort dascun de leur sanke sur l' homicide & tout son race, & cest parol est mention en lestatute de 43. El. cap. 13.

Fieri facias.

Fieri facias est vn Briefe iudicial, & gist lou home recouera det ou dammages en Court le Roy, donques il auera cest Briefe al Viscount, luy commaundant, que il leue le dette & les dammages des biens celuy vers que le recouerie est ewe, & gist tous foits deins l'an & iour, & apres l'an luy couient suer vn Scire facias, & sil soit garnie, & ne vient al iour, &c. ou sil vient, & ne scauoit rien dire, donques celuy que recouera auera Briefe de Fieri facias direct al Viscount, que il face luy auera execution de iudgement.

Mes si home recouera vers vn feine, & el prist baron deins

The Exposition of

deins l'an & le iour, donques il couient que cestuy que recouera auera *Scire facias* vers le baron.

Auxy est si Abbot ou Prior reconer & deuie, son successeur deins l'an auera *Scire facias*. Vide de ceo pluís en le tiele *Scire facias*, & tiele Execution.

within the yeere and the day, then he that shall reconer must haue a *Scire facias* against the husband.

So it is if an Abbot or Prior reconer and dye, his successor within the yeere shall haue a *Scire facias*, see thereof more in the tiele *Scire facias*, and tiele Execution.

File.

File (*Filacium*) filum est vel chorda, quo Breuia & alia Curis Exhibita trajiciuntur pro meliori conseruatione eorum.

Finders.

Finders est vn parol mention en mults Statutes, come en 14.R.2. cap.10. 17.R.2.ca.5. 2.H.4.cap.13.& 31.H.6.ca.5. & semble destre tout vn oue ceux Officers queux ore nous appellomus Scrutatores, imployes pur le trouer des biens, imports ou exports sans payer del custome.

Fine.

Fine ascun foits est prise pur vn somme d'argent q'l ascun est de payer al Roy pur ascun contempt ou offence commit p luy, quel fine, chescun que commit ascun trespas, ou que est conuict, q'il fausement deny son fait, ou fesoit ascun

File.

File (*Filacium*) is a threed or wyper, vpon which Writs and other Exhibits in Courts are put for the safer keeping of them together.

Finders.

Finders is a word used in many Statutes, as in 14.R.2. cap.10. 17.R.2.cap.5. 1.Hen.4. cap.13. and 31.Hen.6. cap.5. and it seemes to bee all one with those Officers which wee now call Searchers, imployed for the discovery of goods which are imported or exported without paying custome.

Fine.

Fine sometimes is taken for a summe of money which one is to pay to the King for any contempt or offence done by him, which fine euery one that committeth any trespasse, or hee that is conuicted, that hee falsly denyeth his own deed, or did any thing

thing in contempt of Law, shall pay to the King : which is called *Fine to the King*. Sometime a *Fine* is taken for a small agreement which is had between any persons concerning any land or rent, or other thing, whereof any suit or writ is between them hanging in any Court, which may bee divers waies. One is when any party acknowledgeth that to bee the right of the other, as that he hath of the gift of him that made the recognisance, which alwaies supposeth a feoffment going before, & is called a *Fine executed* ; Or if he acknowledgeth that to bee the right of another, omitting these words (come ceo que il eie de son done) which being a *Fine* upon acknowledging of right only, if it be leuied to him which hath the freehold of the land, is a *Fine* upon a release.

And if hee that acknowledged it is seised, and hee to whom it is leuied hath not the freehold of the land, then it is called a *Fine executory*, which he to whom the land is acknowledged may execute by *Entrie*, or *Scire facias*.

And sometime such a *Fine* Surconusans de droit onely is to make a surrender: therein is rehearsed, that the reconusor hath an estate for life, and the other a reuerſion.

And sometime it is taken to passe a reuerſion, where a particular estate is recited to bee in

choſe en contempt del Ley, paiera al Roy, quel est appelle *Fine al Roy*. Aſcun fois *Fine* est prise pur vn final concord, quel est ewe enter aſcuns perſons touchant aſcun terre ou rent, ou auter choſe, dont aſcun ſuit ou brieſe est entre eux pendant en aſcun Court, quel poit eſte en diuers maners. Lun est quant l'un partie reconuſt ceo eſte le droit del auter, come ceo que il eie del done ceſtuy q ſeloit le reconuſaans, quel tous foits ſuppoſe vn feoffement precedent, & est dit *Fine execute*, ou ſi il reconuſt ceo deſte le droit del auter, omitant les parols (come ceo que il eie de son done) quel eſteant *Fine* ſur conuſans de droit tant, ſi ſoit leuie a ceſtuy que eie le franktenement del terre est *Fine* ſur releaſe.

Et ſi ceſtuy que ceo conuſt est ſeiſie, & celuy a que est leuie neit le Franketement del terre, donques est dit *Fine executorie*, quel ceſtuy a que le terre est conuſ poit executer per *Entrie*, ou *Scire facias*.

Et aſcun fois tiel *Fine* Surconuſans de droit tantum est pur faire vn ſurrender : lou en ceo est repeate, que le reconuſor eie eſtate pur vie, & l'auter en reuerſion.

Et aſcun fois ceo est ewe de paſſer vn reuerſion, lou particular eſtate est recite deſte en auter,

auter, & que le reconusor voit que l' auter auera le reuerfion, ou que le terre remaine al auter apres le particular estate finie.

Et ascun foits celuy a que le droit est conus, come ceo que il ad del done le reconusor, rendra la fre ou vn rent hors de ceo al conusor. Et ceo ascun foits pur l'entier fee. Ascun foits pur vn particular estate, oue remainder ou remainders ouster. Et ascun foits oue reservation d' rents oue distresse & graunt de ceo ouster per meisme Fine.

Et est appel fine, quia per ceo le suit est determine, & si ceo soit record oue Proclamation solonque l'estature 4.H.7. ceo barre estrangers.

another, and that the reconusor will that the other shall haue the reuerfion, or that the land shall remaine to another, after the particular estate spent.

And sometime hee to whom the right is acknowledged, as that that he hath of the gift of the reconusor shall yeeld the land, or a rent out thereof to the conusor. And that sometime for the whole fee. Sometime for one particular estate with remainder or remainders ouer. And sometime with reuerfion of rents with distresse and graunt thereof ouer by the said fine.

And it is called a fine, because thereby the suit is ended, and if it be recordd with Proclamation according to the Statute 4.H.7. it barreth strangers.

Fifteenth. Veies Quinzisme.

Fifteenth. See Quinzisme.

Filacer.

Filazer.

Filacer venust d' pol Francois *Filace*, id est, *Filum*, & est le nosme dun Officer en le Common Pleas, des q^x sont icy 14. en nombre. Ils font tous les original proces la, & le distresse infinite sur summons retourne en Actions personals, & le *Capias* sur le retourne del *Nihil*. Et tous Briefes de view, en cases lou le view est prie. Et lon le appearance est oue eux ils

Filazer comes of the French word *Filace*, id est, *A threed*, and it is the name of an Officer in the Common Pleas, of which there are 14. in number. They make out all the originall pro= cesse there, & the distresse infinite vpon summons returned in per= sonall Actions, & the *Capias* vpon the returne of *Nihil*. And all writs of view in cases where the view is prayed. And where the appearance is with them they

enter the imparlance, and the generall issue in common Actions, and Judgments by confession before issue loyned, & make out writs of Execution vpon them. And they make writs of Superfedas after a Capias awarded, when the Defendant appears in their office. And this Officer is mentioned in the Statutes of 10.Hen.6.cap.4. & 18.H.6.cap.9.

enter l'imparlance, & le general issue en common Actions, & Iudgements per confession deuant issue ioyne, & font Briefes d' Execution sur eux. Et ils font Briefes de Superfedas apres Capias agard, quant le Defendant appeare en leur office. Et cest Officer est mention en lestatutes de 10.Hen.6. cap.4. & 18.H.6. cap.9.

Fine force.

Fineforce in our Law signifies an absolute necessity, as when a man is compelled to doe that which hee can no way avoid, we say that he doth it de Fine force. So this word is used in Perk. sect. 321. in Mantrell and Woodlands case, in Plowden, fo. 94.b. and in Eatons case cited in Foxlyes case in the 6.rep. fol. 111.a.

Fine force.

Fineforce en nostre Ley signifie vn absolute necessity, sicōe lou hōe est constreine de faire aucun chose le q̄l ne poit p aucun voy auoyer, nous disom' q̄ il fist ceo d' Fineforce. Et issint cest parol est vse en Perk. sect. 321. en Woodland & Mantels case, en Plowden, fol. 94.b. & en Eatons case cite en Foxlies case & le 6.rep. f. 111.a.

Finors.

Finors are those that purifie gold and silver, and part them by fire and water from courser metalls, and therefore in the Statute of 4.H.7.cap.2. they are also called Parters.

Finors.

Finors sont ceux que purifient or & argent, & eux seuer per feu & eau del metalls plus base & vile, & pur ceo en lestatute de 4.H.7. cap.2. sont auxy appels Parters.

Firebote.

Firebote is necessary wood to burne, which by the Common Law, lessee for yeeres, or

Firebote.

Firebote est necessarie boys pur arder, quel per le common Ley, Lessee pur ans, ou pur

put vie, poit prender en son terre, nient obstant il ne soit expresse en son lease: Et nient obstant il soit vn lease p parol tantum sans fait: Mes sil prist plus q besoigne, il serra penie en waste.

for life, may take in his ground, although it bee not expresse in his lease: And although it be a lease by word onely without writing: But if hee take more than is needfull, he shall be punished in waste.

First fruits.

First fruits (*Primitie*) sont les reuenues d chesc' spiritual benefice pur vn an, q x en auintient temps fueront dones al Pape, mes per lestatute de 26.H.8. cap.3. sont ore transferrés al Roy.

First fruits.

First fruits (*Primitiz*) are the profits of euery spirituall living for a yeere, which were aunciently giuen to the Pope, but by the Statute of 26.Hen.8. cap.3. are now translated to the King.

Fledwite.

Fledwite, hoc est, quietum esse de Amerciamentiis, cum quis vlagarus fugitiuus veniat ad pacem Domini Regis sponte, vel licentiatu.

Fledwite.

Fledwite, that is, to bee quit from Amerciamentiis when an outlawed fugitiue cometh to the Kings Peace of his owne will, or being licenced.

Flemeswite.

Flemeswite, hoc est, quod habeatis catalla, siue Amerciamenta hominis vestri fugitiui.

Flemeswite.

Flemeswite, that is, that you may haue the cattell or Amerciaments of your man or fugitiue.

Fletwit.

Fletwit, ou (*Flitwit*) hoc est, quietum esse de contentione & conuictis, & quod habeatis placitum inde in Curia vestra, & Amerciamenta, quia (*Flit*) Anglicè, est *Tenfon* Gallicè.

Fletwit.

Fletwit, or (*Flitwit*) that is, to bee quit from contentton and conuicts, and that you may haue plee thereof in your Court, and the Amerciamentiis, for (*Flit*) in English, is *Tenlon* in French.

Floatsam.

Floatsam is when a Ship is drowned, or otherwise perished, and the goods float upon the Sea, and they are given to the Lord Admirall by his Letters Patents. *See Coke, lib. 5. fo. 106.*

Floatsam.

Floatsam est quant vn Niese est submerge, ou autrement perish, & les biens float sur la Mere, & ils sont dones al Seignieur Admiral per ses Letters Patents. *Veies Coke, lib. 5. fo. 106.*

Footgeld.

Footgeld is an Amerciament for not cutting out the balls of great Dogges fere in the Forrest, for which see Expeditate: And to be quit of Footgeld is a priuiledge to keep Dogges within the Forrest vnlawed without punishment or controlment. *Crompton, Iurisdiction, fol. 197. Manwood, part 1. pag. 86.*

Footgeld.

Footgeld est vn Amerciament pur nient predrant hors les Ballis des pees de graund Chiens en le Forrest, pur que veies *Expeditate*: Et deestre quit de Footgeld est vn priuiledge d'auer Chiens irregular deins l' Forrest sans paine ou controle. *Crompt. Iurisd. fo. 197. Manwood, part 1. pag. 86.*

Forrest.

Forrest is a place priuiledged by a Royall authorith, or by prescription, for the peaceable abiding and nourishment of the Beasts or Birds of the Forrest, for disport of the King, for which there haue been in ancient time certaine peculiar Districts, Lawes, and Orders, part of which appeare in the great Charter of the Forrest.

Forrest.

Forrest est vn lieu priuiledge p' authorith Royale, ou par prescription, pur le peaceable abode & nourishment del Beasts ou Oyseaux del Forrest, pur le disport del Roy. Pur queux ont estre en auncient temps certaine peculiar Officers, Leyes, & Orders, part de queux apparont en le graund Charter de le Forrest.

Forefter.

Forefter est vn Officer del Forest, q̄ est iure p̄ preserue le Vert & Venison del Forest, & pur attender sur les Feres deins son Bayliwicke, & d̄ eux veiller & sagement garder per iour & per nuit. Et pur attracher tous offendors la ou en Vert ou en Venison, & eux d̄ presenter as Courts del Forest, al intent q̄ poient este la punies, solonq̄ lour delicts.

Forfeiture del marriage.

Forfeiture del marriage est vn Brieſe q̄ gitt p̄ le Seignior en Chivaltry vers son Gard, que refuse vn conuenable marriage tender a luy per son Seignior, & deins age marrie vn auter sauns lassent son Seignior. Et vëies pur cco *Fitz.N.B.fo.141.g.&c.*

Forger des faux joits.

Forger des faux faits venust de pol Francois *Forger*, q̄ signifie fabricare constr̄ p̄ franier & fashioner come vn Forgeron son ourage sur le Enclume. Et est vſe en n̄re Ley pur le fraudulent fealsance & publisher des faux faits al preiudice del droit dun auter. *Fitz. en son N.B.fo.96.B.C.*

Forefter.

Forefter is an Officer of the Forest sworn to preserue the Vert & Venison of the Forest, & to attend vpon the wild Beasts within his Bayliwicke, and to watch and keep them safe by day and by night. And to apprehend all offendors there in Vert or Venison, and to present them at the Courts of the Forest to the end they may be punished according to their offences.

Forfeiture of marriage.

Forfeiture of marriage is a writ that lyes for the Lord by Knights seruice against his Ward, who refuseth a conuenient marriage offered him by his Lord, and marries another within age without the assent of his Lord. And see for this *Fitz.N.B.fo.141.g.&c.*

Forger of false deeds.

Forger of false deeds comes of the French word *Forger*, which signifies to frame or fashion a thing as the Smith doth his worke vpon his Anvil. And it is vſed in our Law for the fraudulent making and publishing of false writings to the preiudice of another mans right. *Fitz. in his N.B. l.96.B.C. says*

saves that a writ of Decett lies against him that thus forgeth any deed.

dit que Brieve de Disceit gist vers celuy que issint forge ascun fait.

Foriudger.

Foriudger is a iudgement given in a writ of Mesne, brought by a Tenant against a Mesne Lord, which should acquit the Tenant of services demanded by the Lord above, of whom the tenement is holden, and the Mesne will not appeare, then iudgement shall be given, that the Mesne Lord shall lose his Seigniorie, and that the Tenant from thenceforth shall hold of the Lord above by such suits as the Mesne held before, and shall bee discharged of the services which he owed to the Mesne, by the Statute of West. 2. cap. 9. and that is called a Foriudger.

And also if an Attourney or other Officer in any Court be put out and forbidden to use the same, hee is said to bee foriudged the Court.

Foriudger.

Foriudger est vn iudgment done en vn Brieve de Mesne port per vn Tenaunt enuers le Mesne Seignior, que doit acquiter le Tenaunt des services demaundes per le Seignior paramount, de que le tenement est tenu, & le mesne ne voile appeare, donques iudgement serra done, que le Mesne Seignior perdra son Seigniorie, & que le Tenaunt dillonques tiendra del Seignior paramount p tiels services cō le Mesne tenoit deuant, & seront discharge del services qu'il rendoit al Mesne, p le Statute de West. 2. cap. 9. & ceo est appel vn Foriudger.

Et auxy si vn Attourney ou autre Officer en ascun Court soit ouste & prohibite de vser ceo, il est dit destre foriudge le Court.

Formedon.

Formedon is a writ, and lyeth where Tenant in the taile infeoffeth an estranger, or is disseised, and byeth, the heire shall have a writ of Formedon to recover the land. But there be thre manner of Formedons. One is in the discender, and that is in the case before said.

Formedon.

Formedon est vn Brieve, & gist lou Tenant en le taile infeoffa vn estrange, ou est disseise, & deuie, le heire auera Brieve de Formedon pur reconer le terre. Mes sont trois Briefes de Formedon. Vn est en le discender, & ceo est en le case auantdit.

A a 2

Auxy

Auxy si vn done terre en le taile, & pur default de issue le remainder a vn auf en l' taile, & que pur default de tiel issue le tre reuertera al Donor, si le primer Tenant e l' taile deuie sauns issue, cestuy en le remainder auera vn Brieſe de Formedon en le remainder: Mes si le Tenaunt en le taile deuie sans issue, & cestuy en le remainder auxy deuie sauns issue, donques le Donor ou ses heires auera vn Formedon en le reuerter.

Forrein.

FORrein est vn parol adiectiue vsq, & ioyne oue diuers substantiues, bien digne destre expresse: come Forrein matter triable en auter Countie, *Pl. Cor. 154.* ou matter fait en auter Countie, *Kitch. fol. 126.* Forrein Plee est vn refusal del Iudge come incompetent, pur ceo que le matter dependant ne suit deins ses limits, *Kitch. fol. 75. & Anno 4. H. 8. cap. 2. & Anno 22. eiusdem cap. 2. & 14.*

Forrein respons, ceo est tiel respons que nest triable en le Countie ou il est fait, *Anno 15. H. 6. cap. 5.*

Forrein seruice, est tiel seruice p q vn mesme Seignieur tient ouster d'un auf dehors le circuit d son fee demesne. *Bro. tit. Tenures, fol. 251. num. 12. & 28. & Kitch. fol. 209. ou*

And if one giue lands in the taile, and for default of issue the remainder to another in the taile, and that for default of such issue the land shall reuert to the Donor, if the first Tenant in taile dye without issue, hee in the remainder shall haue a Formedon in the remainder: But if the Tenant in the taile dye without issue, and he in the remainder also dye without issue, then the Donor or his heires shall haue a Formedon in the reuerter.

Forrein.

FORrein is a word adiectiue vsed, and toynd with diuers substantiues well worthy to bee expressed: As Forrein matter triable in another Countie, *Pl. Cor. 154.* or matter done in another Countie, *Kitch. fol. 126.* Forrein Plee is a refusal of the Iudge as incompetent, because that the matter in hand was not within his Iurisdiction, *Kitch. fol. 75. & Anno 4. H. 8. cap. 2. & Anno 22. eiusdem ca. 2. & 14.*

Forrein answer, is such an answer as is not triable in the Countie where it is made, *Anno 15. H. 6. cap. 5.*

Forrein seruice is such seruice whereby a meane Lord holdeth ouer of another without the compasse of his owne fee. *Brook, tit. Tenures, fol. 251. num. 12. & 28. and Kitch. fol. 209. or*
else

else that which a Tenant performs either to his own Lord, or to the Lord above him out of the fee: For of such services Bracton lib. 2. cap. 16. num. 7. speaketh thus:

Also there are certaine Services which are called Forrein, although they bee named and expressed in the Charter of Feoffment, and which may therefore bee called Forrein, because they appertain to our Lord the King, and not to the chiefe Lord, vntlesse when hee goeth in seruice in person, or that hee satisfieth our Lord the King for the seruice by some kinde of meanes, and they are performed at certaine times when occasion and necessitie require, and they haue diuers and sundry names: For sometime they are called Forrein, the word taken largely, as to the Kings seruice, sometime Escuage, sometime seruice of the King, and it may therefore be called Forrein, because it is done and taken without or beside seruice done to the Lord Paramount. See Brook, Tenures 28.95.

Forrein Seruice seemeth to bee Knights Seruice, or Escuage vncertaine, Perkins, sect. 650.

Forrein Attachment is an Attachment of the goods of Forreiners within any Libertie or Citie, for the satisfaction of any Citizen to whom the said Forreiner oweth money.

Forrein Apposer is an Offi-

auterment ceo que vn Tenant performe ou a son Seignieur demesne, ou al Seignieur Paramount hors del fee: Car de tiels seruices Bract lib. 2. c. 16. num. 7. illint parle.

Item sunt quedam seruitia quæ dicuntur Forinfeca, quamuis sunt in Charta de Feoffamento expressa & nominata, & quæ ideo dicti possunt Forinfeca, quia pertinent ad Dominum Regem, & non ad Dominum capitalem, nisi cum in propria personâ profectus fuerit in seruitio: vel nisi cum pro seruitio suo satisfecerit Domino Regi quocunq; modo, & sunt in certis temporibus cum casus & necessitas euenerit, & varia nomina habent & diuersa: Quandoq; enim nominantur Forinfeca, large sumpto vocabulo, quoad seruitium Domini Regis, quandoq; Scutagium, quandoque Seruitium Domini Regis, & ideo Forinfecum dici potest, quia fit & capitur foris, siue extra Seruitium quod fit Domino Capitali. Vides Bro. Tenures 28.95.

Forrein seruice semble estre seruice de Chivaler ou Escuage non certaine, Perkins, sect. 650.

Forrein Attachment est vn Attachment des biens de Forreiners deins aucun Franchise ou Citie pur le satisfaction de asc' Citizen a que le dit Forreiner doit argent.

Forrein Apposer est vn Offi-

The Exposition of

cer en l' Exchequer, a que
tous Viscounts & Baylifes
viendront per luy destre op-
pose de lour greene wyxe : Et
de ceo il treit vn charge sur
le Viscount ou Baylife, al
Clerke del Pipe.

cer in the Exchequer, to whom
all Sherifes and Baylifes doe
repaire by him to be apposed of
their greene wyxe: And from
thence he draweth down a charge
vpon the Sherife or Baylife to
the Clerke of the Pipe.

Forstal.

Forstal, hoc est, quietum esse
de amerciamentis & caral'
arrestatis infra fram vestram,
& amerciamenta inde prouen-
ientia.

Forstall.

Forstall, that is, to bee quit
of amerciaments and cattels
arrested within your land, and
the amerciaments thereof com-
ming.

Forestaller.

Forestaller est celuy q' achaf
blees aũs, ou aũf merchan-
dize quecunque est vendibl', p
le chemin qũt il vient al Mar-
kets, Faires, ou tiels sembl'
lieux destre vende, al entent q'
il poit vender ceo aũf foits al
vn pluis hault & chare price,
en preiudice & dammage d' le
commonweale & gents, &c.

Le penaltie pur ceux queux
sont conuict d' ceo, est l' primi-
te mps imprisonment pur dux
moys, & perde de le value del
chose vende.

Le second temps imprison-
ment per le space de demy an,
& perdra le double value des
biens, &c.

Le tierce temps imprisonmẽt
durant le pleasure le Roy, &
iudgemẽt del Pillory, & forfeit
a tous ses biens & chateux,
Vies le Statute 5. Ed. 6. ca. 14.

Forestaller.

Forestaller is hee that buyeth
cognez, cattell, or other mer-
chandize whatsoeuer is saleable,
by the way as it commeth to
Markets, Faires, or such like
places to bee sold, to the intent
that he may sell the same againe
at a more high and deere price, in
preiudice and hurt of the common-
wealth and people, &c.

The paine for such as are con-
uict thereof, is for the first time
imprisonment for two moneths,
and losse of the value of the
thing sold.

The second time imprison-
ment by the space of halfe a
yeere, and shall lose the double
value of the goods, &c.

The third time imprisonment
during the Kings pleasure, and
iudgement of the Pillory, & shall
forfeit all his goods & chattels,
See the Statute 5. Ed. 6. ca. 14.

Founder.

Founder is he that useth the art of melting or dissolving metals, and making any thing thereof by casting in molds. He seems to have his name from the Latine word *Fundere*, and he is mentioned in the Statute of 17.R.2.cap.1.

Fourcher.

Fourcher is a device used to delay the Plaintiff or Demandant in a suit against two, which thereto are not to answer till they both appeare, and the appearance or essoine of one will excuse the others default at that day, and they agree, that the one shall bee essoined or appeare one day, and for lacke of the appearance of the other haue day ouer to appeare, and the other party shall haue the same day, and at that day the other will appeare, or be essoined, and hee that appeared or was essoined before, will not then appeare, because he hoped to haue another day by the adjournment of the party which then appeared, this is called *Fourcher*, and in some cases the mischief thereby is remedied by the Statute of Gloucester. cap. 10. and Westminster. 1. cap. 42. which bee in the collection of Statutes, in the title *Essoine*, 4. and 7.

Founder.

Founder est cestuy que use l'art del amolir ou dissoluer metals, & de faire aucun choses deux per iecter en molds. Semble dauer son nomme del Latine parol *Fundere*, & est mention en lestat. de 17.R.2.cap.1.

Fourcher.

Fourcher est vn deuise use a delayer l'Plaintife ou Demandant en vn suit enuers dux, quux a ceo ne sont a responder tanq ils ambideux appeare, & l'apparance ou essoine d'un de eux voile excuser le default d'l'autre a cel iour, & eux agreea, q l'un de eux solement serra essoine ou appearera al vn iour, & pur default del appearance del autr, auoit iour ouster de appearer, & l'autre party aua mesme le iour, & a ceo iour l'autr voile appearer ou estre essoine, & cestuy q deuant appareroit, ou fuit essoine, ne voile donqs appear, pur ceo q il esperoit dau autr iour per l'adjournment del partie q donqs appiert ou est essoine, ceo est appel *Fourcher*, & en aucuns cases le mischief p ceo est remedie p l'Statute de Gloucester. cap. 10. & Westminster. 1. cap. 42. que sont en le collection des Statutes, en le titl. *Essoine*, 4 & 7.

Franchise.

FRanchise est vn parol François, & signifie en nostre Ley vn Immunitie ou exemption del ordinarie Iurisdiction, cõe pur vn Corporation d'iceux pleas deins eux mesmes a tiel value, &c. Et veies de ceo en vieux N.B. fo. 4. a. b.

Franches Royal.

FRanches Royal est lou le Roy graunt al vn & a ses heires, que ils serra quit de Toln, vel huiusmodi.

Frankalmoigne.

FRankalmoigne est lou en antient temps terres fuerount dones a vn Abbot & son Couent, ou a vn Deane & a le Chapē, & a lour Successors, en pure & perpetual Almoigne, sauns expresseur ascun seruice certaine, ceo est Frankalmoigne, & ils sont tenus deuant Dieu de fayre Oraisons & Prayers pur la Donor & ses heires, & pur ceo ils ne ferront fealtie, & si tiels que ont eies en Frankalmoigne, ne font ascun Prayers ne Diuine Seruice p les Almes le Donors, ils ne ferront p les Donors a ceo compelles, mes pur ceo ils poyent complaine al Ordinarie, luy preyant, que tiel negligence ne soit pluis

Franchise.

FRanchise is a French word, and signifies in our Law an Immunity or exemption from ordinary Jurisdiction, as for a Corporation to hold pleas within themselves to such a value, & the like. And see of this in the old Nat. B. fo. 4. a. b.

Franchise Royal.

FRanchise Royal is where the King grants to one and his heires, that they shall be quit of Toll, or such like.

Free Almes.

FRee Almes is where in antient times lands were given to an Abbot and his Couent, or to a Deane and his Chapter, and to their Successors, in pure and perpetuall Almes, without expressing any seruice certaine, this is Frankalmoin, and such are bound before God to make Oracions and Prayers for the Donor and his heires, and for that they doe no fealty, and if such that haue lands in Frankalmoigne, doe make no Prayer nor Diuine Seruice for the soules of the Donors, they shall not bee compelled by the Donors to doe it, but for that they may complaine to the Ordinarie, praying him that such negligence bee no more after,

after, and the Ordinary of right ought to doe it.

But if an Abbot, &c. holdeth lands of his Lord for certaine Diuine Seruice to bee done, as to sing euery Friday a Masse, or doe some other thing, if such Diuine Seruice be not done, the Lord may distreine, and in such a case the Abbot ought to doe fealty to the Lord, and therefore it is not said tenure in Frankalmoigne, but tenure by Diuine Seruice, for none can hold by Frankalmoigne, if any certaine seruice be expessed.

Franke banke.

FRanke banke are Cophold lands, which the wife being married a virgin, hath after the decease of her husband for her dower, *Kit. fol. 102. Bract. lib. 4. tract. 6. cap. 13. num. 2* hath these words, There is a custome in those parts, that the wiues, their husbands being dead, should haue Franke banke of lands of Sockmans, and hold it in name of dower. *Fitz. calls this a custome, by which in some Cities the wife shall haue all the lands of her husband for her dower, N.B. fo. 150. See Plow. fo. 411.*

Franke chafe.

FRanke chafe is a libertie of frank chafe, by which all men hauing land within this

quant, & l'Ordinarie d droit c' doit faire.

Mes si vn Abbe, &c. tient terres de son Seignior pur certaine Diuine Seruice desté fait, come de chaunter chesc' Venderdie vn Masse, ou de faire auter chose certaine, si tiel Diuine Seruice ne soit fait, le Seignior poit distreine, & en tiel case l' Abbe doit faire a le Seignior fealtie, & pur ceo il nest pas dit tenure en Frankalmoigne, mes tenure per Diuine Seruice, car nul poit tener en Frankalmoigne, si soit expresse aucun certaine seruice.

Franke banke.

FRanke bank sont Copihold terres que le feme esteauit espoule vn virgin, ad apres le mort sa baron pur sa Dower, *Kit. fo. 102. Bract. li. 4. tract. 6. cap. 13. num. 2.* ad ceux parols, *Consuetudo est in paribus illis, quod uxores maritorum defunctorum habeant Francum bancum de terris Sockmannorum, & tenent nomine dotis.* *Fitz. appel c' vn custome p q en aucuns Cities le feme auera tous les tres de sa baron p sa Dower, N.B fo. 150.p. Vieies Plow. fo. 411.*

Franke chafe.

FRank chafe est vn Franchise d Frank chafe, p que tous homes ayant terre deins cel compasse

The Exposition of

compasse sont prohibit de succider le bois, ou discouuer, &c. sans le view del Forester, nient obstant que soit son demesne, *Crom. Iur. f. 187.*

compasses are prohibited to cut down the wood, or discover, &c. without the view of the Forester, although it be his owne, *Crom. Iur. fo. 187.*

Franke fee.

TENIR en *Franke fee* ē a tenir en fee simple très pleadable a la Common Ley, & nient en ancien demesne.

Franke fee.

TO hold in *Franke fee* is to hold in fee simple lands pleadable at the Common Law, and not in ancient demesne.

Franke ley.

F*Ranke ley*, veies *Crom. Iust. de Peace. f. 151*, ou vo' poys trou' q' ceo est p' le contrarie: car celui q' p' vn offence, cōc conspiracie, perde son *Franke ley*, est dit de cas en ceux males: 1. Que il ne vnques serra impanel sur asc' Iurie ou Assise, ou ausint vse en disant asc' voierne: auxy sil ad aucun chose a faire en le Court le Roy, il ne ceo veia en person, mes couient a design son Attornie: 3. Ses tres, bñs & chateux sont deit seise en les maines le Roy, & ses terres serroyent estreape, ses arbres eradicat, & son corps commise al prison.

Franke law.

F*Ranke law*, see *Crom. Iust. of Peace. fo. 151*. where you may find what this is by the contrary: for he that for an offence, as conspiracy, loseth his *franke law*, is said to fall into these mischieses: first, that hee shall neuer be impanelled vpon any Jury or Assise, or otherwise vsed in saying any truth: also if hee hath any thing to doe in the Kings Court, hee shall not approach thither in person, but must appoint his Attourney: 3. His lands, goods, and chattels are to bee seised into the Kings hands, & his lands must be estreated, his trees rooted vp, and his body committed to prison.

Franke marriage.

F*Ranke marriage* est qnt vn home seise de terre en fee simple, done ceo al auter hōe, & a sa feme, q' est file, soer, ou autrement de kinne al Do-

Free marriage.

F*ree marriage* is when a man seised of lands in fee simple, giueth it to another man & to his wife, who is the daughter, sister, or otherwise of kinne to the Do-

nor in free marriage, by vertue of which words they haue an estate in speciall taile, and shall hold the land of the Donor quit of all manner of seruices, untill the fourth degree be past, accounting themselves in the first degree, except fealty, which they shall doe, because it is incident to all tenures, saving free almes. And such gift may be made as well after marriage solemnized, as befoze. And a man may giue lands to his son in free marriage, as well as to his daughter, by the opinion of M. Fitzh. in his writ of Champertie, H.

But it appeareth otherwise in M. Littleton, & in M. Brooke, tit. Frankmarriage, pla. 10. And so it was holden cleer in Greys Inne in Lent, an. 1576. 18. Eliz. by the worshipfull M. Rhodes, then Reader there.

Freehold.

Freehold is an estate that a man hath in lands or tenements, or profit to bee taken in fee simple, taile, for terme of his owne life, or for terme of anothers life in dower, or by the courtesie of England: and vnder that there is no freehold, for he that hath estate for yeers, or holdeth at will, hath no freehold, but they are called chatels.

And of freeholds there are

nor in frankmarriage, p vertue de qux parols ils ont vn estat en special taile, & tiendra le terre del Donor quitte d' tous maniers des seruices, tanq le quart d'gree soit passe, accoutant eux mesmes en l' prmi d'gree, si non fealtie, qux ils fient, pur ceo q est incident a tous tenures, lorsque Frankalmoigne. Et tiel donc poit estre fait cyben apres marriage solemnize, come deuant. Et home poit donc tres a son frs en frank marriage, cybien come a son file, p l' opinion de M. Fitzherbert en son Bge de Champerty, H.

Mes il apiert aument en M. Littleton, & en M. Brooke, tit. Frankmarriage, pla. 10. Et issint il fuit tenuz clere en Greys Inne e Lent, An. 1576. 18. El. per le Worshipful M. Rhodes, donqs Lector la.

Franktenement.

Franktenement est vn estat que home ad en terres ou tenements, ou profit a prendre en fee simple, taile, pur terme de son vie demesne, ou pur terme dauñ vie en dower, ou per le courtesie D'engleterre. Et louth ceo il nest franktenement, car il que ad estate pur ans, ou tient a vol', nad aucun franktenement, mes ils sont appels chatels.

Et de franktenement il y ad

The Exposition of

deux sorts, viz. franktenement en fait, & franktenement en Ley.

Franktenement en fait est quant vn home ad entre de terres ou tenements, & est seisie de ceo realment, actualment, & en fait. Sicome le piere seisie de terres ou tenements en fee simple, & de uie, & son fits ent en eux cōe heire a son piere, donques il ad vn franktenement en fait per son entrie.

Franktenement en Ley est quant terres ou tenements sont descendus al vn home, & il poit enter en eux quant a luy pleist, mes nad vnc' fait son entrie en fait, come en le case auantdit, si le piere esteant seisie de ēre ē fee simple, de uie seisie, & ils descend a son fits, mes l' fits nad vnc' ent en fait en eux, ore deuant son entrie il ad vn franktenement en Ley.

two sorts, viz. freehold in Deed, and freehold in Law.

Freehold in deed is when a man hath entred into lands or tenements, and is seised thereof really, actually, and in deed: As if the father seised of lands or tenements in fee simple dieth, and his sonne enters into the same as heire to his father, then he hath a freehold in deed by his entry.

Freehold in Law is when lands or tenements are descended to a man, & hee may enter into them when he will, but hath not yet made his entry indeed, as in the case aforesaid, if the father being seised of lands in fee simple die seised, and they descend to his son, but the son hath not entered into them indeed, now before his entry hee hath a freehold in Law.

Fresh force.

Fresh force (*frisca fortia*) est vn force cōmise d'ins asc' Citie ou Borough, cōe p disseisin, abatement, intrusion, ou deforcement des ascūs ēres ou tenements deins le dit Citie ou Borough. Pur redresser de q̄l tort, cestuy q̄ droit ad poit per l'usage del dit Citie ou Borough auer son remedie sauns Briefe, p vn Assise ou Bill de Fresh force, port deins 40. iours apres le force commise, ou title a luy acruē. En quel action il poit faire son

Fresh force.

Fresh force (*frisca fortia*) is a force committed in any Citie or Borough, as by disseisin, abatement, intrusion, or deforcement of any lands or tenements within the said Citie or Borough. For the redressing of which wrong, he that hath right may by the vsage of the said Citie or Borough haue his remedy without writ, by an Assise or Bill of fresh force brought within 40. daies after the force committed, or title to him accrued. In which action hee may make his

protestation to sue in the nature
of what writ he will. And see
for this matter Fitzh. Nat. Bre.
fo. 7. C. and old N. B. fo. 4. a.

protestation de suer en le na-
ture d' q'l Brieve q' il voit. Et
veies p' c' matter Fitzh. N. B.
fo. 7. C. & vieux N. B. fo. 4. a.

Fresh suit.

Fresh suit.

Fresh suit is when a man is
robbed, and the party so rob-
bed followeth the felon imme-
diately, and takes him with the
manner, or otherwise, and then
bringeth an appeale against him,
e doth conuince him of the felo-
ny by verdict, which thing being
enquired of for the King, and
found, the party robbed shall
haue restitution of his goods a-
gain.

Also it may bee said, that the
party made fresh suit, although
he take not the cheefe presently,
but that it be halfe a peere or a
peere after the robbery done be-
foze hee be taken, if so bee that
the party robbed doe what lieth
in him, by diligent enquiris
and search to take him, yea, al-
though hee bee taken by some
other bodie, yet this shall be said
fresh suit.

And so fresh suit is when the
Lord commeth to diskeine for
rent or seruice, and the owner
of the beasts doth make rescous,
and drineth them into anothers
ground that is not holden of the
Lord, and the Lord followeth
presently and taketh them, this
is called fresh suit. And so in
other like cases,

Fresh suit est quant vn home
est robbe, & le partie is-
sint robbe pursua le Felon
immédiatement, & luy prist
oue le manner, ou autrement,
& donques port vn appeale
enuers luy, & luy conuince
del felonie per verdict, le quel
chose esteant enquire pur le
Roy & troue, le partie robbe
auera restitution de ses byens
arere.

Item il poit este dit, que le
partie fait Fresh suit, nient ob-
stant que il ne prist le Felon
presentmt, mes q' il soit deny
an ou vn an apres le robbery
fait, deuant que il soit prise, &
soit issint que le partie robbe
fait tant que en luy est, per di-
ligent enquirie & search d' luy
prendre, nient obstant que il
est prise p' vn aut home, vnc
ceo serra dit Fresh suit.

Et issint Fresh suit est quant
le Seignieur vient par di-
strein pur rent ou seruice, & l'
owner des beasts fait rescous,
& enchase eux en auters ter-
res que nest tenus del Seigni-
our, & le Seignieur ensue pre-
sentment, & reprist eux, cest
appel Fresh suit. Et issint en
auter semblables cases.

Friperer.

Friperer.

F*Riperer* est vn parol vse en lestatute de 1. Iac. c. 21. pur vn sort des Brokers. Et semble destre vn parol prise del Francois (*Fripier*) interpolare, & pur ceo vn *Friperer* est vn que vse de polir vieux vestiments pur vender arere.

Friperer.

F*Riperer* is a word used in the Statute of 1. Iac. ca. 21. for a kind of Broker. And it seemes to bee a word taken from the French word (*Fripier*) to tricke vp old things, and therefore a *Friperer* is one that uses to dress old clothes to sell againe.

G.

Gable.

G*Able, Gablum*, est en ancient Records vn vieux parol qⁱ signifie vn rent, dutie, custome, ou seruice yeeld ou fait al Roy ou asc^r auter Seignior, Veies le Comment in *Little.* fo. 142. d.

G.

Gable.

G*Able, Gablum*, in ancient Records is an old word that signifies a rent, dutie, custome, or seruice yeelded or done to the King or any other Lord, See the Comment upon *Little.* fo. 142. d.

Gager de deliuerance.

G*Ager de deliuerance* est lou vn sua Repleuin de biens prise, mes il nad deliuerie des biens, & l'auter auowea, & le Plaintiff monstra que le Defendant est vncore possesse des biens, &c. & pria que le Defendant gagera deliuerance, donqs il mista eins suretie ou pledge pur l' redeliuerance, & vn Briefe issira al Viscount pur redeliuerer les biens, &c. Mes si home

Gager de deliuerance.

G*Ager de deliuerance* is where one sueth a Repleuin of goods taken, but hee hath not the deliuerie of the goods, & the other anoweth, & the Plaintiff sheweth that the Defendant is yet possessed of the goods, &c. and prayeth that the Defendant may gage the deliuerance, then he shal put in surety or pledges for the deliuerance, and a writt shal goe forth to the Sheriffe for to redeliuer the goods, &c. But if a man claime

claime propertie, hee shall not gage deliuerance.

And if he say that the beasts be dead in the Pound, he shall not gage, &c.

Also a man shall neuer gage the deliuerance befoze that they be at issue, or demurrer in the Law, as it is said.

Gainage.

Gainage (Wainagium) seems to come from the French word Gaignage, id est, gainne or profit, but in our Law it signifies the profit most properly that comes by the tillage of land. And therefore in the Statute of Mag. Chart. cap. 14. it is enacted that a Villaine shall be amerced saving his gainage, & in West. 1. cap. 6. saving his gainure, and in cap. 17. it is enacted that he that deforceth any of the deliuerance of his beasts by Repleuin, shall render unto the Plaintife his double damages, which hee hath sustained in his beasts, or in his gainage disturbed, &c. And by the Statute of Distress of the Exchequer made in 51. H. 3. it is enacted, That no man of religion or other shall be distreined by the beasts that gainne his land.

Gaole.

Gaole or Gayle, cometh of the French word (Geole) which signifies a cage for birds, but me-

claime propertie, il ne gagera deliuerance.

Auxy il dit que l' auers sont morts en le Pound, il ne gagera, &c.

Auxy home ne gagera iam-mes le deliuerance auant que ils soient a issue, ou demurrer en Ley, vt dicitur.

Gainage.

Gainage (Wainagium) semble de venir del parol Francois *Gaignage*, id est, questus siue lucrum, mes en nostre Ley il signifie l' profit plus proprement q venust del uillage del fre. Et pur ceo en lestatute d' *Mag. Chart. ca. 14.* est enact q vn Villaine serra amerce saluo wainagio suo, & en *West. 1. cap. 6.* saue son gainage, & *cap. 17.* est enact q celuy q deforce ale del deliuerance des auers per Repleuin, rendra al Plaintife le double des damages que il ad receiue de ses auers, ou de son gainage disturbe, &c. Et per le Statute de Districcione Scaccarii fait en 51. Hen. 3. est enact, Que nul home de religion ou auter serroit distreine per les auers que gaine son terre.

Gaole.

Gaole ou Gayle venust de parol Francois (*Geole*) id est, Caucola, mes metaphorice

taphoricē est vſe pur vn priſon. Et de ceo le Gardian del priſon eſt appel vn Gaoler ou Gayler.

taphozically is vſed for a priſon: And from thence the keeper of the priſon is called a Gaoler or Gayler.

Garbe.

Garbe.

Garbe venuſt del Francoiſ (*Garbe* ou *Gerbe*) id eſt, faſcis. Et ceſt parol eſt vſe en le vieux Statute appell *Charta de Foreſta*, cap. 7. lou *Herbas* en le Latine eſt tranſlate *Garbe* en Angloiſ.

Garbe cometh of the French word (*Garbe* vel *Gerbe*) which ſignifies a bundle of ſheaf. And this word is vſed in the Stat. called *Charta de Foreſta*, c. 7. where *Herbas* in the latine is tranſlated *Garbe* in the Engliſh.

Garble.

Garble.

Garble eſt de ſorter & ſelecter le bone choſe de le male, cōc P Garbling d Bowſtaues, *An. 1. R. 3. cap. 11.* & le Garbling d Spice eſt riens auē forſq de purifie ceo del droſſe oue q il eſt mixe. Veies d ceo a large en le Statute 1. lac. cap. 19.

Garble is to ſort and chuſe the good from the bad, as the Garbling of Bowſtaues, Anno 1. Rich. 3. cap. 11. and the Garbling of Spice is nothing elſe but to purifie it from the droſſe with which it is mited. See of this at large in the Statute of 1. lac. cap. 19.

Gardein des ſpiritualties.

Gardein des ſpiritualties.

Gardein des ſpiritualties eſt celuy a que le ſpiritual iuriſdiction eſt commiſe durant le vacancie del Sec, *Anno 25. H. 8. cap. 21.*

Gardein of the ſpiritualties is hee to whom the ſpiritual iuriſdiction is committed during the vacancy of the See, Anno 25. H. 8. cap. 21.

Garrantie des Charters.

Garrantie of Charters.

Garrantie des Charters eſt vn Briefe, & giſt lou aſc fait eſt fait que comprehend

Garrantie of Charters is a writ, and it lieth where any deed is made that comprehendeth a claule

a clause of warranty, that is to say, *Dedi ou Concessi*, or this word *Warrantizabo*, and if the Tenant be impleaded by a stranger, if it be in assise or such action where hee may not vouch to warranty, then he shal have this writ against his feoffor or his heire, & if the land bee recovered against him hee shall recover as much land in value against him that made the warranty. But this writ ought to be sued, hanging the first writ against him, or else he hath lost his advantage.

Also upon a warrantie in the Law, as upon homage auncestrell, or upon rent reserved upon a lease for terme of life, or a gift in the taile, a man shall have a writ of warranty of Charters, but not upon Escuage.

Garrantie.

Garrantie is in three manners, that is to say, Garrantie Lineall, and Garrantie Collaterall, and which beginneth by disseisin.

Warranty Lineall is where a man seised in fee, or in taile, maketh a feoffment by his deed to another, and bindeth him & his heires to warranty, and hath issue a son, and dieth, & the warranty descendeth to his sonne, that is Lineall warranty, for that that if no deed with warranty had been made, then the

clause of Garrantie, cestascavoir, *Dedi ou Concessi*, ou cest parol *Warrantizabo*; & si le Tenant soit impleadé par un étranger, si soit en Assise, ou tiel acc' lou il ne poit vouch a garrantie, donqs il auera cest Brief vers son feoffor ou son heir, & si le fre soit recouer vers luy, il recouera tant del terre en value vers cestuy que fist l' Garrantie. Mes cest Briefe couient estre vse pendaunt le premier Briefe vers luy, ou autermét il ad perde son aduantage.

Auxy sur Garrantie en Ley, come sur homage auncestrel; ou sur rent reserue sur lease a terme de vie, ou done en le taile, home auera Briefe de Garrantie de Charters, mes nemy sur Escuage.

Garrantie.

Garrantie est en trois manieres, cestascavoir, Garrantie Lineall, & Garrantie Collateral, & que commence per disseisin.

Garrantie Lineal est lout home seisie en fee, ou en taile, fait feoffement per son fait a un auter, & oblige luy & ses heires a Garrantie, & ad issue firz & morust, & le Garrantie descend a son firz, ceo est Lineal Garrantie, pur ceo que si nul fait oue Garrantie vst estre fait, donques il

droit des terres discenderoit al fitz, come heire a son pere, & il conueyroit le discent de le pere a le fitz. Mes si Tenant en le taile discontinua le taile, & ad issue & deuie, & l' Vncle del issue releffa al discontinuée oue Garrantie, &c. & morust sauns issue, ceo est Collateral Garrantie al issue en le taile, pur ceo que le Garrantie descend sur l' issue, le quel ne poyt soy conueyer a le taile per le meane de son Vncle. Et en chescun case lou home demaunda terres en fee taile per Briefe de *Formedon*, si ascun Ancestour del issue en le taile que auoit possession, ou que nauoit possession, fait vn Garrantie, & cestuy que fue le Briefe de *Formedon*, per possibilitie per mattrer que pouloit este fait, pouloit conueyer a luy title per force del done p celuy q fist le Garrantie, &c. ceo eit donques vn Lineal Garrantie, & per tiel Lineal Garrantie, l' issue en le taile ne ferra barre, sinon que il ad affets a luy descendus en fee simple: Mes si il ne poit per nul possibilitie que poyt este, conuey a luy title per force del done per celuy que fist le Garrantie, donques ceo est vn Collateral Garrantie, & per tiel Collateral Garrantie, le issue en le taile ferra barre sauns aucuns affets. Et

right of the lands should haue descended to the sonne, as heire to his father, and he shall conuey the discent from the father to the sonne. But if the Tenant in the taile discontinue the taile, and hath issue and dieth, and the Uncle of the issue releaseth to the discontinuer with Warrantie, &c. and dyeth without issue, this is a Collateral Warrantie to the issue in the taile, for that the Warranty descendeth vpon the issue, the which may not conuey him to the taile by meane of his Uncle. And in every case where a man demandeth lands in fee taile by writ of *Formedon*, if any Ancestor of the issue in the taile which hath possession, or which hath not possession, maketh a Warranty, and hee that sueth a writ of *Formedon* by possibility by matter that may bee done, might conuey to him title by force of the gift by him that made the Warranty, &c. that is then a Lineall Warranty, and by such a Lineall Warranty the issue in the taile shall not bee barred, except that hee haue affets to him descended: But if hee may not by no possibilitie that may bee, conuey to him title by force of the gift by him that made the Warranty, then that is a Collateral Warranty, and by such a Collateral Warranty, the issue in the taile shall bee barred without any affets. And the

the cause that such a Collateral Warranty is a barre to the issue in the tale, is for that that all warranties, before the Statute of Gloucester, which descended to them which be heires to them that made the warranties, were barres to the same heires to demand any lands, except the warranties that began by disseisin, and for that that the said Statute hath ordained. That the warranty of the father shall bee no barre to his sonne for the lands which come of the heritage of the mother, nor the warranty of the mother shall be no barre to the sonne for the lands which come of the heritage of the father, by the Statute 11. H. 7. cap. 20. and none of the Statutes hath made nor ordained remedy against the warranty that is Collateral to the issue in the tale, and therefore the warranty that is Collateral to the issue in the tale, is yet in his force, and shall bee a barre to the issue in the tale; as it was before the Statute. And it behoueth that all warranties, whereby the heire shall bee barred, that the warrantie descended by course of the common Law, to him which is heire to him that made the warranty, or else it shall be no barre, for if the Tenant in the tale of lands in Borough English, where the youngest sonne shall inherit by the custome, disconti-

l' cause q' tiel Collateral Garantie est vn barre al issue en le tale, est pur ceo que tous Garranties, deuant le Statute de Gloucester, queux descendant a ceux queux sont heires a eux que fesoient les Garranties, fueront barres a mesme les heires a demander aucun terres; forsprise les Garranties, que commence per disseisin, & pur ceo que le dit Statute ad ordaine, Que le Garantie del pere ne serra barre a son firs pur les terres que veigne del heritage le mere, ne le Garantie de le mere ne serra barre al firs pur les terres que veigne del heritage del pere, per le Statute de 11. Hen. 7. cap. 20. & nul de les Statutes ad fait ne ordaine remedie encounter le Garantie que est Collateral al issue en le tale, & pur ceo le Garantie que est Collateral al issue en le tale, vncore est en sa force, & serra barre al issue en le tale; come il fuit deuant le Statute. Auxy il couient que tous Garranties, per que aucun heire serra barre, que le Garantie descend per course del common Ley, a celui que est heire a luy que fist le Garantie; ou autermes il ne serra barre; car si le Tenant en le tale des tresen Borough English, lou le puisne firs inherera per le custome, disconti-

nua le taile, & ad issue deux
fitz, & l' Vncle releffa al
Discontinuee oue Garrantie
& deuie, & le puisne fitz port
Formedon, vncore il ne serra
barre per tiel Garrantie, *Cau-
sa qua supra*. Auxy si ascun
home fait ascun fait oue Gar-
rantie, per quel son heire ser-
roit barre, & celuy que fist
le Garrantie soit attaint de
Felonie, donques son heire
ne serra barre per tiel Gar-
rantie, pur ceo que tiel Gar-
rantie ne puit discender sur
luy, pur ceo que le sanke est
corrupt.

Garrantie commençant p
disseisin, est si le fitz pur-
chase terre, & puis lessa le ter-
re a son pere pur terme d' ans,
& le pere per son fait de c' en-
fcoffa vn estrange, & oblige
luy & ses heires a Garrantie,
& le pere deuie, per quel le
Garrantie discende al fitz,
vncore cest Garrantie ne bar-
rera my le fitz, mes le fitz
bien poit enter nient obstant
cel Garrantie, pur ceo que
cest Garrantie commenast p
disseisin, quaut le pere fist le
feoffement, que fuit vn dis-
seisin al fitz. Et come est
dit de pere, issint poit este
dit de chescun auter Aun-
cestour. Et mesme le Ley
est si l'auncestor soit Te-
naunt per *Elegit*, ou per Sta-
ture Merchant, & fait ascun
feoffement oue Garrantie,
tiels Garranties ne seront

nueeth the taile, and hath issue
two sons, and the Uncle relea-
seth to the Discontinuee with
warranty and dyeth, and the
younger sonne bringeth a For-
medon, yet he shall not be bar-
red by such warranty, *Causa qua
supra*. And if any man make a-
ny deed with warranty, where-
by his heire should bee barred,
and after he that made the war-
ranty be attaint of felony, then
his heire shall not be barred by
such warranty, for that that
such warranty might not dis-
cend vpon him, for that that the
blood is corrupt.

Garrantie beginning by dis-
seisin, is if the same purchase
lands, and after let the lands
to his father for terme of yerres,
and the father by his deed
infeoffeth a stranger, and bind-
eth him and his heires to war-
ranty, and the father dyeth
whereby the warrantie discen-
deth to the sonne, yet this war-
ranty shall not barre the sonne,
but the sonne may well enter
notwithstanding his warran-
tie, for that that this warran-
tie began by disseisin, when
the father made the feoffe-
ment, which was a disseisin to
the sonne. And as it is said
of the father, so it may bee said
of every other Auncestour.
And the same Law is, if the
Auncestor be Tenant by Elegit,
or by Statute Merchant, and
make a feoffment with warran-
ty, such Warranties shall bee no
barres,

barres, because they begin by disseisin.

barres, pur ceo que ils commencent per disseisin.

Garrantie.

Garrantie.

Garrantie is when one is bound to another which hath land, to warrant the land to him, which may begin two waies, that is to say, by deed of Law: As if one and his Ancestours hath held land of another and his Ancestours, time out of minde by homage, which is called Homage Ancestrell: Or by deed of the party which graunteth by deed or fine to the Tenant of the land to warrant it to him: Upon which warranty, if the Tenant be impleaded by him which ought to warrant, or his heires, the Tenant shall barre the demandant by pleading of the warranty against him, which is called Rebutter: Or if he be impleaded by another in an action, wherein hee may vouch, hee shall vouch him which warranted, or his heires, and if the Plaintiffe recover, the Tenant shall recover in value against the Vouchee.

Garrantie est quazunt vn est lie al autre que ad terre, de garrant le terre a luy, le quel poit commence per deux meanes, cestalscauoir, per act del Ley: Come si vn & ses Ancestors ont tenus terre del autre & ses Ancestours per temps dont memorie de court per homage, que est appelle homage Ancestrel: Ou per l'act del partie que graunt per fait ou fine al Tenaunt del terre de Garrant ceo a luy: Sur quel Garrantie si le Tenaunt soit impleade per luy que doit garrant, ou ses heires, le Tenaunt barra le demandaunt per pleader del Garrantie vers luy, que est appel Rebutter: Ou si soit emplede per autre en action, en que il poit vouch, il vouchera cesty que Garrant, ou ses heires, & si le Plaintiffe recouuer, le Tenant recouuera en value vers le Vouchee.

Garrantie del iour.

Garrantie del iour.

Garrantie del iour, see for that Warrantia diei.

Garrantie del iour, veies per ceo Warrantia diei.

Gard.

Gard.

Gard est quant vn Enfant quel Auncestor tient per Seruice de Chivalrie, est en le gard & custodie de le Seignior de que ils fuerount tenus. Et si le Tenaunt tient de diuers Seigniors diuers terres, celuy Seignior de que il tient per prioritie, cestascavoir, per le plus auintient tenure, auera le garde del Enfant: Mes si vn tenure soit auxy auncient que l'auter, donques celuy que primes happa le garde de le corps, gardera ceo: Mes en ceo case chescun Seignior auera le garde del terre que est tenus de luy. Mes si le Tenant tient ascun terre del Roy en chiefe, donqs le Roy per son prerogatiue auera le garde del corps, & de tout le fre que est tenus d' luy, & de chescun auter Seignior.

Auxy sont diuers Briefes de garde, vn est Briefe de droyt de gard, & gist lou le Tenant deuie, son heire deins age, & vn estraunge entra en le terre, & happa le gard le corps de Enfant.

Briefe d' Eiectment de gard gist lou home est ouste de la gard de terre, sans le corps d' l' Enfant.

Briefe de Rauishment de gard gist lou le corps est prise de luy solement, & nient le terre.

Gard is when an Infante whose Ancestour held by Knights Seruice, is in the ward of keeping of the Lord of whom those lands were holden. And if the Tenant hold of diuers Lords diuers lands, the Lord of whom the land is holden by prioritie, that is to say, by the more eider tenure, shall haue the wardship of the Infante: But if one tenure bee as old as the other, then hee that first happeneth to haue the ward of the body shall keep it: But in that case every Lord shall haue the ward of the land that is holden of him. But if the Tenant hold any land of the King in chiefe, then hee by his prerogatiue shall haue the ward of the bodie, and of all the land that is holden of him, and of every other Lord.

Also there be diuers writs of ward, one is a writ of right of ward, and that lyeth where the Tenant dyeth, his heirs withyn age, and a stranger enters into the land, and hapneth to haue the ward of the body of the Infante.

A writ of Eiectment of ward lyeth where a man is put out of the ward of the land without the body of the Infante.

A writ of Rauishment of ward lieth where the bodie is taken from him onely, and not the land.

Wardcine.

WArdeine or Gardeine most properly is hee that hath the Wardship or keeping of an heire and of his land holden by knights service, or of one of them to his own use, during the nonage of the heire, and within that time hath the bestowing of the body of the heire in marriage at his pleasure, without disparagement.

And of wardcines there be two sorts, namely, Gardeine in right, and Gardeine in deed.

Gardeine in right is he that by reason of his Seigniorie is seised of the Wardship or keeping of the land, and of the heire during the heires nonage.

Gardeine in deed is where the Lord after his seisin, as aforesaid, granteth by deed or without deed the Wardship of the land, or of the heire, or of both, to another, by force of which grant the grantee is in possession, then is the grantee called Gardeine in deed.

And this Gardeine in deed may grant the heire to another also: but that other is not properly called Gardeine in deed, for that it is the grantee of the Gardeine in right only.

But the Gardein in Socage hath the profit onely to the use of the heire, untill he accomplish the age of 14. yeeres, and must render therefore an account to the

Gardeine.

WArdeine ou Gardein plus properment est celuy que ad le gard ou custodie d'un heire & de son terre tenus per Service de Chivalrie, ou de vn de eux, a son use demesne, durant le nonage del heire, & deins cest temps ad le bestowing del corps del heire en mariage al son vol' sans disparagement.

Et d Gardeines il y ad dux sorts, nofimenr, Gardeine en droit, & Gardeine en fait.

Gardeine en droit est celuy q p reason de son Seigniorie est seise d'l gardship ou custodie del tre, & del heire, durant le nonage del heire.

Gardeine en fait est lou le Seignior ays son seisin, come auantdir, granta per fait, ou sans fait le gardship del terre, ou del heire, ou de ambideux, a vn aut, p force de ql grant le graunttee est en possession; donques est le graunttee appel Gardein en fait.

Et cest Gardeine en fait poit grant le heire al aut auxy: Mes cest auter nest properment appel Gardeine en fait, car ceo est l' grantee del Gardeine en droit solement.

Mes le Gardeine en Socage ad le profit solement ad use del heire ieque il ad accomplish l' age de 14. ans, & rendr' pur ceo account al

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heire. Vide plus de ceo, *Littl. li. 2. cap. 4. & 5.* Et *Stamford* sur Statute de *Prerogat. cap. 1. 2. & 6.*

hetre. See moze hereof, *Littleton li. 2. ca. 4. & 5.* And *Stamford* upon the Statute of *Prerogat. cap. 1. 2. & 6.*

Gardeins del Esglise.

GArdeins del Esglise sont Officers elects en chescun Paroisse, pur auer l' care & custodie d's biens d'l Esglise, & ils poient auer vn action p les biens d'l Esglise, & diuers auts choses ils poient fair pur l' benefit lesglise, & p lestatute de 43. El. ca. 2. ils doivent ioindr ouelq les surueyers en le fea- sance des rates & auters prouisions pur les pouters del Paroisse.

Garnishment.

Garnishment est sicome vn Action d Detinue des Charters est port vers vn, & le Defendant dit, Que les Charters fueront deliuer a luy per le Plaintiff, & per vn auter sur certaine conditions, & pry que l' auter soit garnie de pleader oue le Plaintiff, si les conditions sont perimples ou nemy, & sur ceo vn Briefe de Scire facias issira vers luy, & ceo est appel Garnishment, & l'auter quant il vient eins pleadera oue l' Plaintiff, & ceo est appel enterpleader.

Church-wardens.

CHurch-wardens are Officers chosen in every Parish, to haue the care and custodie of the Church goods, and they may haue an action for the goods of the Church, and diuers other things they may doe for the benefit of the Church, & by the Stat. of 43. El. ca. 2. they are to toyne with the Overseers for the making of rates and other prouisions for the poore of the Parish.

Garnishment.

Garnishment is if an Action of Detinue of Charters be brought against one, & the Defendant saith, That the Charters were deliuered to him by the Plaintiff, and by another upon certaine conditions, and prayeth that the other may be warned to plead with the Plaintiff, if the conditions be performed or no, and thereupon a writ of Scire facias shal go forth against him, & that is called Garnishment, and the other when he comes shal plead with the plaintiff, and it is called enterpleader.

Gauclet.

Gaueler.

Gaueler is a speciall and ancient kind of Cessauit, used in Kent where the custome of Gauelkind continueth, whereby the tenant shall forfeit his lands or tenements to the Lord of whom they are holden, if hee withdraw from his Lord his due rents and seruices, after this manner as followeth :

If any Tenaunt in Gauelkind withhold his rent and his seruices of the tenement hee holdeth of his Lord, let the Lord seek by the award of his Court from three weekes to three weekes to finde some distresse vpon the tenement untill the fourth Court, alwaies with witness.

And if within that time hee can find no distresse in that tenement, whereby hee may haue iustice of his Tenaunt, then at the fourth Court let it be awarded, that hee shall take that tenement into his hand in name of a distresse, as if it were an Oxe or Cow, and let him keep it a yeere and a day in his hand without manuring it : within which terme if the Tenaunt come and pay his arrerages, and make reasonable amends for the withholding, then let him haue and enjoy his tenement as his Ancestors and hee befoze held it; and if he doe not come befoze the yeere & day past,

Gauelate.

Gauelate est vn speciall & ancient kind de Cessauit, vse en Kent lou le custome de Gauelkind continue, per quel le Tenant forfeit les fres & tenements al Seignior de que ils sont tenus, sil deteine de son Seignior les due rens & seruices, selonque cest manere que ensuit :

Si aucun Tenant en Gauelkind retaine sa rent & ses seruices de le tenement que il tient de son Seignior, orge le Seignior pur agarde de sa Court, de trois semaines en trois semaines, de trouver distresse sur cel tenement iisque a le quart Court, a tous foirs per testimoignes.

Et si deins cel temps ne troue distresse en cel tenement, per queux il puisse son tennant iustifier, donques a la quart Court soit agarde, que il preigne cel tenement en sa maine, en noime de distresse, auxy come fuit Boefe ou Vache, & le tient vn an & vn iour en sa maine, sauns maine-ouetter : deins quel terme si le Tenaunt vient, & rende ses arrerages, & fait reasonable amends de la docteyner, adonc eyt & enjoy son tenement, sicome ses Auncestours & luy auant tiendront. Et sil ne vient deuant l'an & le iour passe, donque

The Exposition of

donq auage le Sñr al pchein Countie Court, fuyant oue testmoinnes de sa Court, & face la pronouncer cel pceffe pur testmoinage au, & per agard de sa Court (apres ceo Countie tenus) eni & meynouera en cels fres & tenements, sicome en son demefne.

Et si le Tenaunt vient apres, & voyle reauer les tenements, & tener sicome il fist deuaunt, face agreee al Seignior, sicome il est auintement dit,

Neghesith selde, & neghesith gelde, & v. li. for the were, er hee become healden. Vide de ceo, 10. Henric. 3. Fitzherbert, Cessauit 60. & Statute 10. Edward 2. de Gauelet en London, en le Collection del Statutes, London 2. matter tendant mult a cel purpose, que per cel parol Gauelet, le Seignior auera le terre pur cesser le Tenaunt. Et veies Westmonast. 2. cap. 21. que done Cessauit.

Il y ad ascuns Copies que ad le primer Verse issint escript :

Nisith yelde, & nisith gelde.

Et auters issint :

Nighesith yeld, & nighesith geld.

Mes ceux ne differ en signification: auters Copies ont ceo solonque cest sort :

Nigondsith feld, & Nigondsith geld.

then let the Lord go to the next County Court with his witness of his owne Court, & pronounce there this proccesse to haue further witnesselles, & by the award of his Court (after the County Court holden) he shall enter and manure in those lands and tenements as in his owne.

And if the Tenaunt come afterward, and will rehaue his tenements, and hold them as he did before, let him make agreement with the Lord, according as it is auintly said,

Hath hee not since any thing giuen, nor hath he not since any thing payed, then let him pay v. li. for his were, ere before hee become tenant or holder againe. See hereof 10. H. 3. Fitzh. Cessauit 60. and Stat. 10. Ed. 2. of Gauelet in London, in the Collection of Statutes, London 2. matter much tending to this purpose, that by this word Gauelet the Lord shall haue the land for the cessing of the Tenant. And see Westm. 2. cap. 21. which giueth Cessauit.

There be some Copies which haue the first Verse thus written :

Nisith yelde, and nisith gelde.

And others thus :

Nighesith yeld, and nighesith geld.

But these differ not in signification: other Copies haue it after this sort :

Nigondsith feld, and nigondsith geld.

That is, to say, Let him nine times pay, and nine times repay.

Cestascanoire, payera il nouies foites, & nouies foites repay.

Gauelkind.

Gauelkind.

Gauelkind is a custome annexed, and going with lands in Kent, called Gauelkinde lands holden by ancient Socage tenure. And is thought by the skilfull in Antiquities, to be called Gauelkind, of Giue al Kinne, that is to say, to all the kindred in one line, according as it is vsed among the Germans, from whom we Englishmen, and chiefly of Kent, come. Or else it is called Gauelkind of Giue al Kind, that is, to all the Male children, for Kind in Dutch signifieth a Male child. And diuers other like coniectures are made by them of that name Gauelkinde, which I omit of purpose for breuities sake.

The most vsuall customes of them are, That the land is diuidable between the heires Male, and that the heire of the age of 15. yerres may giue and sell his land, and shall inherit, although his father be attainted and hanged for felony, and his wife shall be endowed of halfe the land whereof her husband dyed seised, and the husband shall be Tenant by the courtesse of the halfe, although he haue no issue by his wife, but the estate

Gauelkind est vn custome annexe, & currant oue terres en Kent, appel Gauelkind terres, tenus en antienne Socage tenure. Et est pensee par les erudite en Antiquities, deste appel Gauelkind de Giue al Kinne, cest adire, a tous les kinne en vn line, accordant come est vse enter les Germans, de que nous Anglois, & especialment de Kent, venomus. Ou est appel Gauelkinde de Giue al Kinde, cest adire, al tous les Males, car Kinde en Dutch signifie vn Male. Et diuers auts semblable coniectures sont fait per eux, de le nosme Gauelkind, le quel Ieo omit de purpose pur breuitie.

Les pluy vsual customes de eux sont, Que le terre est diuidable enter les heires Males, & que le heire al age de xv. ans poyt done & venda sa terre, & serra enherite coment son pere soit attaint, & pendue pur felonie, & sa feme serra endowe del demie del terre dont son baron deuie seisie, & le baron serra Tenaunt per le courtessie del demie, comént ne auoyt issue per la feme, mes l'estate

The Exposition of

del baron & femme cease per
leur second mariage. Et di-
uers autres customes sont y-
les en Kent de terres en Ga-
melkind, par queux veyes le
Preambulation de Kent, fayt
per Mounseigneur Lambert : par
quel cause le residue Ieo voile
omit, come impertinent a cel
lieure, & entreat amplemēt en
le dit *Preambulation*.

of the husband and wife ceaseth
by their two marriage. And
diuers other customes are vled
in Kent of the lands in Gamel-
kind, for which see the Pream-
bulation of Kent, made by Ma-
ster Lambert : for which cause
the residue I will omit, as
unnecessary for this booke, and
intreated of largely in the said
Preambulation.

Gawgeour.

Gawgeour est vn. Officer d'l
Roy designe de seacher
tous Tuns, Hogtheads, Pipes,
Barrels, & Tertianes de Vine,
Oyle, Honey, Butter, & a don-
eux vn note d allowance de-
uant ils sont vendus en ascun
lieu. Et par ceo que cest marke
est vn circle fait oue vn instru-
ment de ferre pur cel purpose,
il semble q il prist son nomme
de ceo. De cest Office la ad
estre fait plusors Statutes, le
primer de que est, An. 27.E.3.
cap.8. & les autres sont 4.R.2.
cap.1. 18.H.6.ca.17. 23 H.6.
ca.16.1. R.3.ca.13. & 28.H.8.
cap.14.

Gawgeour is an Officer of
the King appointed to
search all Tunnes, Hogtheads,
Pipes, Barrels, and Certianes
of Wine, Oyle, Honey, But-
ter, and to giue them a marke
of allowance before they bee
sold in any place. And be-
cause this marke is a circle
made with an iron instrument
for that purpose, it seemeth
that hee taketh his name from
thence. Of this Office there
hath bin made many Statutes,
the first whereof is, An. 27.E.3.
ca.8. & the others are 4.R.2.ca.1.
18.H.6.c.17. 23.H.6.c.16.1.R.3.
ca.13. and 28.H.8.ca.14.

Gild.

Gild ad diuers significations,
come ascū foits vn tribute,
auter foits vn amerciament,
tiercement, vn fraternitie ou
compagnie combine ensemble

Gild.

Gild hath diuers significati-
ons, as sometimes a tri-
bute, other times an amercia-
ment, thirdly, a fraternitie
or company combined together
by

by Orders and Lawes made amongst themselves by the Kings licence. Master Cam-
den citeth many Antiquities,
whereby it appeareth to sig-
nifie a tribute or taxe, as
pag. 135. 139. 159. 168. 178.
Master Crompton in his Ju-
risdictions, fol. 191. sheweth it
to bee a prestation within
the Forrest, in these words, To
be quit of all manner of Geldes
is to bee discharged of all man-
ner of prestations to be made for
gathering of sheaves of Cozne,
of Lambs, and of wool to the
use of the Forresters.

Also Master Camden, pag.
149. diuiding Suffolke into
three parts, calleth the first Gil-
dable, because Tribute is thence
gathered. And the Statute
Anno 27. Edw. 3. Stat. 2. ca. 12.
and Anno 11. Hen. 7. cap. 9. vse
Gildable in the same sense, and
so the Statute Anno 27. Hen-
rie 8. cap. 26. from this Ma-
ster Lambert in the word Con-
tubernalis is perswaded that
the common word Gild or
Gildhall proceedeth, being a
Fraternitie or Communitie
of men gathered in one com-
bination, supporting their com-
mon charge by a mutual con-
tribution. And in the Regi-
ster Orig. fol. 219. b. there is
Gildam Mercatoriam, which
seemeth to be a certaine libertie
or priuiledge appertaining to
Merchants, whereby they
are enabled to hold certaine

p Orders & Leyes fait inf aux
mesmes p le congee le Roy.
Monsieur Camden cita plu-
sors Antiquities, p q il appiert
d signifier vn tribute ou taxe,
come pag. 135. 139. 159. 168.
178. Monsieur Crompton en
ses Jurisdictions, fo. 191. mon-
stre ceo destre vn amerciaunt,
come Footgeld : & fol. 197. il
interpret ceo destre vn prest-
tion deins le Forrest, en ceux
parols, Destra quid tous ma-
ners de pstitutions destre fait p
le prisure de garbes de corne,
d iuene barbus, & de lane al
vse del Forresters.

Auxy Monsieur Camden,
pag. 149. diuidant Suffolke
en trois parts, appel le pri-
mier Gildable, pur ceo que
tribute est de ceo collect. Et
les Statutes, Anno 27. Edw. 3.
Stat. 2. cap. 12. & Anno 11.
Henr. 7. cap. 9. vfont Gildable
en mesme le sense, & ainsi le
Statute Anno 27. H. 8. cap. 26.
de ceo Monsieur Lambert
verbo Contubernalis est per-
suade que le common parol
Gild ou Gildhal proceda,
esteeant vn Fraternitie ou
Communitie de homes agre-
gated en vn combination, sup-
portant lour common charge
p vn mutual contribution. Et
en le Regist. Orig. fol. 219. b. la
est Gildam Mercatoriam, que
semble destre vn certaine liber-
tie ou priuiledge appertinent
al Merchants, per que ils
sont ennable de tener certaine
Places

The Exposition of

Plees de terre deins leur precincts demesne. Cest parol Gilds ou Guildes est issint vse, Anno 27.Ed.3. cap.51. & Anno 15.R.2.cap.5. Et Guildhalda Teutonicorum est vse par le fraternitie de Easterling Merchants en Londresappel le Stil-yard, Anno 22.Hen.8. cap.8. Veies Coke, li.8. fo.125.

Plees of land within their owne precincts. This word Gilds or Guilds is so bled, An. 27.Ed.3. cap.51. and An.15.R.2. cap.5. And Guildhalda Teutonicorum is bled for the fraternitie of Easterling Merchants in London called the Stil-yard, An.22.Hen.8. cap.8. See Coke lib.8. fol.125.

Gors.

Gors (*Gurges*) est vn estange ou gulfe d'eau pur le preseruer d's peissons, per le grant d' q le soile n passer, & vn *Præcipe quod reddat* gift d' ceo, come est a veier en 4.E.3. 29.b. & 8.E.3.13.a. & Fitz. N.B.191.H.

Gors (*Gurges*) is a pool of water for to keepe fish in, by the grant whereof the soile it selfe passes, and a *Præcipe quod reddat* lies of it, as it is to see in 4 E.3. 29.b. and 8.E.3.13.a. and Fitzh. Nat. Bre.191.H.

Grand cape.

Grand cape, veies de ceo apres ele title *Petit Cape*.

Grand cape.

Grand cape, look theretofore after in the title *Petit Cape*.

Grand distresse.

Grand distresse, veies d' ceo deuant en le title *Distress*.

Grand distresse.

Grand distresse, see of that before in the title of *Distress*.

Grand Sericantie.

Grand Sericantie est lou vn home tient d' Roy certaine terres p le seruice d' porter son ban ou launce, ou amefner son hoste, ou destre son Caruer ou Butler a son

Grand Sericantie.

Grand Sericantie, is where a man holdeth of the King certaine land by the seruice of carrying his banner or launce, or to leade his hoste, or to be his Caruer or Butler at his

Coronacion, and that is the most honourable service and most worthy that a Tenant may doe, and for that it is called **Grand Sericantie**. But **Petit Sericantie** is when one holdeth of the King, paying to him yearly a Bow, a Sword, a Speare, and such like, and that is but **Socage** in effect, but a man cannot hold in **Grand Sericantie**, or by **Petit Sericantie**, but of the King. Also if a Tenant by **Grand Sericantie** dieth, his heire being of full age, the heire shall pay to the King for reliefe the value of lands ouer the charges that hee payeth to the King by **Grand Sericantie**: but he that holdeth by **Escuage** shal pay for his reliefe but **C.s.**

Also those that bee in the **Marches of Scotland**, that hold of the King by **Cornage**, that is, to blow an horn when the Scots enter into England, are Tenants in **Grand Sericantie**.

Also where a man holdeth of the King for to finde a man in his wars within the Realm, that is called **Grand Sericantie**, for that that is done by a mans body: And if the Tenant cannot find a man to doe it, then hee is bound to doe it himselfe.

And he that holdeth by **Grand Sericantie** holdeth by **Knights Service**, and the King shall haue ward, marriage, & reliefe, but not of them that hold by

Coronment, & tiels semblables, & ceo est la plus digne, que le Tenant poit faire, & pur ceo est appel **Grand Sericantie**. Mes **Petit Sericantie** est quant vn tient d' Roy rendant a luy annualment vn Arke, vn Coteau, vn Launce, & tiel semblable, & ceo nest forsque **Socage** en effect, mes home ne poyt tener en **Grand Sericantie**, ne per **Petit Sericantie**, si non de Roy. Auxy si Tenant p **Grand Sericantie** morust son heire esteaunt de plein age, l' heir payera al Roy pur reliefe le value d's fres ouster les charges q il pay al Roy p **Grand Sericantie**: Mes cestuy q tient p **Escuage** payera pur son reliefe forsque **C.s.**

Auxy ceux que sont en le **Marches de Scotland**, q tient del Roy per **Cornage**, cest est, pur ventiler vn cornu quauant les Scots entrent en Engleterre, sont Tenants p **Grand Sericantie**.

Auxy ou vn home tient del Roy pur trouer vn home en sa guerre deins le Realme, cest est dit **Grand Sericantie**, pur ceo que il est fait per corps d'un home. Et si le Tenant ne poit trouer home de fair ceo, donques il est tenu de faire ceo luy mesme.

Et il que tient per **Grand Sericantie** tient per **Seruite de Chivaler**, & le Roy auera gard, marriage, & reliefe, mes acmy de ceux que tient per

P.ute

Petite Serieantie, mes le Roy nauera de eux que tient per Grand Serieantie, Escuage, si non que ils tient per Escuage. Ilint ceux q tient per Graund Serieantie ou Escuage tient p Seruice de Chiualer. Mes vn poit tener per Grand Serieantie, & nemy per Escuage, & p Escuage, & nemy p Graund Serieantie. Et le Seruice de Chiualer tous fois trayt a luy gard, marriage, & reliefe.

Pett Serieanty, but the King shall not haue of them that hold by Grand Serieanty, Escuage, except that they hold by Escuage. So they that hold by Grand Serieanty or Escuage, hold by Knights Seruice. But one may hold by Grand Serieanty, and not by Escuage, and by Escuage, and not by Grand Serieantie. And the Knights Seruice alwaies draweth to it ward, marriage, and reliefe.

Gree.

Gree.

Gree venust. del Francois parol (*Gre*) Beneplacitū, & signifie en nostre Ley contentment ou satisfaction, cōe en lestatute 1.R.2. cap. 15. de faire gree as parties est a doner eux contentment ou satisfaction pur vn offence as eux fait.

Gree comes of the french word (*Gre*) Good liking, and it signifies in our Law contentment or satisfaction, as in the Statute of 1.R.2. cap. 15. to make gree to the parties is to give them contentment or satisfaction for an offence done unto them.

Greene hewe.

Greene hewe.

Greene hewe est tout vn oue Vert, cōe appiert per Manwood en ses Leys d'l Forrest, ca. 6. sect. 5. & pur ceo veies Vert.

Greene hewe is all one with Vert, as it appeares by Manwood in his Forrest Lawes, cap. 6. sect. 5. And therefore see Vert.

Greene waxe.

Green waxe.

Greene waxe est vn parol vse e lestatutes de 42.E.3. cap. 9. & 7.H.4. cap. 3. & signifie les estreates des issues, fines & amerciements en lescheqr, & bailes hors as Viscounts

Greene waxe is a word used in the Statutes of 42.E.3. cap. 9. and 7.H.4. cap. 3. and signifies the estreates of issues, fines, & amerciements in the Exchequer, & deliuered out to the Sheriffs under

Under the Seale of the Court,
to be leued by them in their se-
uerall Countiees.

South le Seale del Court, de-
stre per eux leuies en leur se-
uerall Countiees.

Grithbreach.

Grithbreach.

GRithbreach, that is, the Kings
peace broken, because (Grith)
in English is Pax in Latine.

GRithbreach, hoc est, Pax
Domini Regis fracta, quia
(Grith) Anglice, Pax Latine.

Gule of August.

Gule de August.

GVle of August is the first
day of the Calends of Au-
gust, which in the time of Ed. 1.
and Ed. 2. was called ordinarily
by the Gule of August, as it ap-
peares by Fitzh. Nat. B. fol. 62. l. 1.
and Plowdens Com. fol. 316. b.
It is the very day of St. Peter
ad vincula, and the reason why
it was called the Gule of Au-
gust, is conceived upon a story
recorded by Durandus in his Ra-
tionale Divinorum, lib. 7. cap. 19.
of a miracle wrought by St. Pe-
ters Chains upon the daughter
of one Quirinus a Tribune of
Rome, who by the kissing of
that Chain, was healed of the
Kings Cull in her throat. And
see Hospinian. de origine Festo-
rum, fol. 85. b. tells such another
story out of Petrus de Natal. and
Iacobus de Voragine.

GVle de August est le prim
jour ou les Calends del
August, que en le temps Ed. 1.
& Ed. 3. fuit visuellement appele
le Gule de August, come appi-
ert per Fitz. N. B. fol. 62. l. 1. &
Plowden. Com. fol. 316. b. Est
le verie iour St. Petri ad vin-
cula, & le reason pur que est
appell le Gule de August, est
conceiue sur yn Histoire re-
corde per Durand en son Ra-
tionale Diuinorum, li. 7. ca. 19.
dun Miracle effect per le
Chaine de St. Peter sur le file
dun Quirine vn Tribune del
Rome, que per le baiser del
dit Chain fuit cure d's Escro-
uelles en sa goule. Et veies Ho-
spin. de origine Festorum, fol.
85. b. report tel aut Histoire
hors del Petr. de Natal. & Ia-
cob. de Voragine.

Ce

Habeas

H.

Habeas corpus.

Habeas corpus est vn Bre le quel home endite de ascū trespasse d'uant Iustices d' l Peace, ou ē vn Court d' aucun Franchise, & sur son prisure esteauat gist en prison pur mesme, poit auer hors del Banke le Roy p c' d' amesner luy mesme la a ses costs de mesme, & de responder l' cause icy, *F.N.B. fol. 250.b.* Et le order en ceo case est, primermt d' procurer vn *Certiorari* hors d' l Chauncerie, direct al dits Iustices, pur le remouer del endictment en le Banke le Roy, & sur ceo de procurer cest Brieſe al Viscount de causer son corps dest' amesne al vn iour, *Reg. Iudic. fol. 81.* ou vous poies trouer plusors cases en queux cest Brieſe sera vse.

Habeas corpora est vn Brief que gist quant vn Iurie ou ascuns de cux refusont de venir sur le *Venire facias*, pur le trial d'un meistre port al issue.

Habendum.

Habendum est vn parol de femme, en vn fait de Con-

H.

Habeas corpus.

Habeas corpus is a writ the which a man indited of any trespasse before Iustices of the Peace, or in a Court of any Franchise, and vpon his apprehension being laid in prison for the same, may haue out of the Kings Bench thereby to remoue himselfe thither at his own costs, and to answer the cause there, *F.N.B. fol. 250.h.* And the order in this case is, first to procure a *Certiorari* out of the Chauncery, directed to the said Iustices, for the remouing of the endictment into the Kings Bench, and vpon that to procure this writ to the Sheriffe to cause his body to bee brought at a day *Reg. Iudic. fol. 81.* where you may find many cases wherein this writ shall bee vsed.

Habeas corpora is a writ which lyeth when a Iurie or any of them refuse to come vpon the *Venire facias*, for the triall of a cause brought to issue.

Habendum.

Habendum is a word of forme in a deed of Conu-
uſance,

ueyance, to the true understanding wherof it is to be observed, That in every deed of Conueyance there be two principal parts, the Premises, and the Habendum.

The Office of the Premises is to expresse the name of the Grantor, the Grantee, and the thing to bee granted: the Office of the Habendum is to limit the estate, so that the generall implication of the estate, which by construction of Law passeth in the Premises, is by the Habendum controlled and qualified: As in a lease to two men, Habendum to the one for life, the remainder to the other for life, altereth the generall implication of the ioynt tenancie in the Freehold, which passeth by the Premises, if the Habendum were not. See Cok. lib. 2. fol. 55.

ueyance, al voyer intelligence de que cest destre obserue, Que en chescun fait de Conueyance la sont deux principal parts, le Premises, & le Habendum.

Le Office des Premises est d'expresier l'nom du Grantor, le Grantee, & le chose destre grauntus: l' Office del Habendum est de limiter l'estate, ainsi que le general implication del eitate que p construction de Ley passa en les Premises; est per le Habendum controle & qualifie: Si come en un lease a deux homes, Habendum a l'un pur vie, le remainder a l'autre pur vie, alter le general implication del ioynt tenancie en le Franktenement que passera p les Premises, si le Habendum ad este omis. Vies Cok. lib. 2. fol. 55.

Habere facias seisinam

Habere facias seisinam est uerba Iudicialia, unde dicitur, where one hath recovered certain lands in the Kings Court, then hee shall haue that writ directed to the Sheriffe, commanding him to giue him seisin of that land, and it shall not be reasonable.

Habere facias seisinam

Habere facias seisinam est un Brieve Iudicial, & est gift lou un ad recouer certaine terres en Court le Roy, donques il auera cest Brieve direct al Viscount, luy commaundaunt de done a luy seisin del terre, & ne serra retourable.

Cc 2

Half

Demy seale.

Demy seale est vn seale vse en le Chauncery pur le sealer des Commissions as Delegates sur vn appeale en vn cause ciuill ou marine, cōe appiert per lestatute fait en 8.El.cap.5.

Halymote.

Halymote est vn Court Baron, cōe appiert p Manwood en ses Forest Leyes, cap. 23. fol. 217.a. Et est appelle Halymote, cestascavoir, le concurs de Tenants dun Hall ou Manor.

Hambling ou Hoxing des Chiens.

Hambling ou Hoxing, ou Hocksynewing des Chiens sont ancien tmes del Forest pur le lawing des Chiens, qnt le custome fuit, cōe appiert p Manw. For. Ley. cap. 16. sect. 12. de couper ou berluster Chiens en leur iareds, mēs ore est vse destre fait en leur pieds. De q veies Expeditate.

Handgun.

Handgun est vn engine que est prohibite destre vse & emport per le Statute de 33. Hen. 8. cap. 6. Et cōment que

Halfe seale.

Halfe seale is a seale vled. in Chauncery for the sealing of commissions vnto Delegates vpon an appeale in a cause ciuill or marine, as it appeares by the Statute made in 8.Eliz. cap. 5.

Halymote.

Halymote is a Court Baron, as it appeares by Manwood in his Forest Lawes, cap. 23. fol. 217.a. And it is called Halymote, that is to say, the meeting of the Tenants of one Hall or Manor.

Hambling ou Hoxing of Dogges.

Hambling ou Hoxing, or Hocksynewing of Dogges are old forest termes for the lawing of Dogges, when the custome was, as appeares in Manwoods Forrest Lawes, ca. 16. sect. 12. to cut or gash Dogges in the hammes, but now they vse to doe it in their feet. Of which see Expeditate.

Handgun.

Handgun is an engine which is prohibited to be vled and carried about, by the Statute of 33.H. 8. ca. 6. And although that

a Dogge

a Dagge was invented of late time, and after the making of the said Act, and is not knowne by the name of Handgun, but by a speciall name; yet the carrying of a Dagge is within the said Act, and comprehended within the word Handgun. So whereas Crosse-bowes are forbidden by the said Act, by this Stone-bowes are also forbidden. See Cok.lib.5.fol.71.72.

vn Dagge fuit enuent de tardife temps, & puis le felans del dit Act, & nest conus p l' nosm de Handgun, mes per vn especial nosme, vncore le carrying de vn Dagge est deins le dit Act, & comprehend deins le parol Handgun. Ilint ou Crosse-bowes sont prohibite per le dit Act, per ceo Stone-bowes sont auxy prohibite. Veies Cok.li.5.fol.71.72.

Hangwit.

Hangwit.

HAngwit, that is, to bee quit of a Chiefe or Felon hanged without iudgement, or escaped out of your custody.

HAngwit, hoc est, quietum esse de Latroni suspenso sine iudicio, vel extra custodiam vestram euaso.

Haque.

Haque.

HAque is a little Handgun of three quarters of a yard long, and it is mentioned in the Statutes of 33.H.8.cap.6. and 2.& 3.E.6.cap.14. There is also mention made of a halfe Haque.

HAque est vn petit Handgun d'el longuer d's trois quartiers dun verge, & est mention en lestat. de 33.H.8.ca.6. & 2. & 3.E.6.cap.14. La est auxy parle dun demy Haque.

Haquebut.

Haquebut.

HAquebut is a Gunne mentioned in the Statute of 2. & 3.E.6.cap.14. and it is all one with a Markebuse.

HAquebut est vn Gunne mention en lestat. de 2. & 3.E.6.cap.14. & est tout vn oue vn Arquebuse.

Hariot.

Hariot est en deux sorts, l'un Hariot custome, le autre Hariot seruice.

Hariot seruice (ascuns dient) est mult foits expresse, en le graunt d'un home ou en son fait, que il tient p tiel seruice pur payer Hariot al temps de son mort. Et cest Hariot est payable apres le mort de l' Tenant en fee simple.

Hariot custome est lou Hariots ont este paies temps hors de memory p custome. Et ceo poit este apres le mort del Tenant pur vie, &c. Mes a parler de ceo generalment :

Hariot est le meliour Beast (soit il Chiual, Boefe, ou Vache) q l' Tenant ad al teps de son mort. Et le Seignieur poit seisie, ou prendre vn distres p c', soit il Hariot seruice, ou Hariot custome, al vse del Seignieur de q le Tenant tient per son Bailife, ou autres Officers de son Manor. Mes d' droit le Seignieur ne son Officer ne doit prendre Hariot deuant que il soit present al prochain Court tenu apres le Tenant est mort, & que tiel Beast est due al Seignieur pur son Hariot.

Haward.

Haward ou Hayward est vn Officer designe en chescun

Hariot.

Hariot is in two sorts, the one Hariot custome, the other Hariot seruice.

Hariot seruice (some say) is often expressed in a mans graunt or deed, that hee holdeth by such seruice to pay Hariot at the time of his death. And this Hariot is payable after the death of the Tenant in fee simple.

Hariot custome is where Hariots have been payd time out of mind by custome. And this may bee after the death of the Tenant for life, &c. But to speak thereof generally :

Hariot is the best Beast (whether it bee Horse, Ox, or Cow) that the Tenant had at the time of his death. And the Lord may either seise, or take a distresse for it, whether it bee Hariot seruice, or Hariot custome, to the Lords vse of whom the Tenant held by his Bailife or other Officer belonging to his Manor. But of right the Lord nor his Officer should not take Hariot, before it bee presented at the next Court holden after the Tenant is dead, and that such a Beast is due to the Lord for his Hariot.

Haward.

Haward or Hayward is an Officer appointed in every Towne

Town to be the common Heard of the Towne, and it seemeth that hee is so called, either for that it is one part of his Office to keep the hedges of inclosed grounds, so that they bee not cropped nor broken downe, or because that hee keepeth the grasse from the hurt and destruction of Cattell, so that Hay may bee made thereof. He is an Officer sworne in the Lords Court: for which oath, see Kitch.fol.46.

Haukers.

HAukers is a word used in the Statutes of 25.H.8.ca.9. and 33.H.8.cap.4. and it signifies **Tinkers** that goe from place to place thorow the country, and by colour of the Kings Letters Patents or Placards buy and sell brasse and pewter, and counsel the Kings people both in the weight and in the stufte.

Haybote, or Hedgebote.

HAybote, or Hedgebote is necessary stufte to make and amend hedges, which the Lessee for yeeres, or for life, of common right may take upon the ground to him leased, although it be not expressed in his lease, and although it bee a lease by word without writing.

Haybote also may bee taken

Ville destre le common Heard del Ville, & semble que il est issint appel, ou pur ceo que vn part de son Office est pur garder le hayes de terres enclose, issint que ils ne soient croppe ne enfringe, ou pur ceo que il garde le grasse del parde & destruction de Auers, issint que Hay poit estre fait de ceo. Il est vn Officer iurus en le Court del Seignior: Pur que serement veies Kitch.fol.46.

Haukers.

HAukers est vn terme vse en lestatutes de 25.H.8.cap.9. & 33.Hen.8. cap.4. & signifie **Tinters** queux alont de lieu en lieu per le pais, & per color des Letters Patents le Roy ou Placard, achatont & vendont airain & pewter, & deceiue les leiges le Roy & en le poise & en le substance.

Haybote, ou Hedgebote.

HAybote, ou Hedgebote est necessarie stufte pur faire & amend haies, que Lessee pur ans, ou pur vie, de comon droit poit prendre sur le terre a luy lessé, nient obstant il ne soyt expresse en son lease, & nient obstant que il soit vn lease per parols sans escript.

Haybote auxy poit estre prise

The Exposition of

pur necessarie stusse pur faire Rakes, Forkes, & tiels sembl' instruments, oue queux hōes vsont en Som̃ p redder & faire seine. Et ilint vn Lessee p̃ ans prist c', & fuit a luy allow per son Lessor plus tost come Ieo suppose, pur ceo que tiels instruments faits de slender subhois, q̃ p le commō Ley l' Lessee pur ans poit succider & prender, come est auantdir.

for necessary stusse to make Rakes, Forkes, and such like instruments, wherewith men vse in Summer to tedde and make Hay. And so a Lessee for yeeres took it, and it was allowed him by his Lessor the rather, as I suppose, for that such instruments are commonly made of slender under-wood, which by the common Law the Lessee for yeeres may cut and take, as is aforesaid.

Headborow.

Headborow.

Headborow est compound des deux parols (*Heofed, id est, caput*) & (*Borhe, id est, pignus.*) Ilint q̃ Headborow signifie le chiefe des frank-pledges en vn decenarie deins vn Leet, ou celuy q̃ auoit l' gouernance des eux q̃ sont deins son pledge demesne. Et il fuit appel Headborow ou Borow-head, ou Borough-holder, ou Thirdboro v, ou Tithingmā, ou Chiefe-pledge, ou Borow-elder, solonq̃ le diuersite des dialects des diuers lieux. Et a ceo iour est ore appel vn Constable.

Headborow is compounded of two words (*Heofed, id est, Head*) and (*Borhe, id est, Pledge.*) So that Headborow signifies the chiefe of the free pledges in a decenary within a leet, or hec that had the gouernment of those that are within his owne pledge. And he was called Headborow or Borowhead, or Borough-holder, or Thirdborow, or Tithingman, or Chiefe pledge, or Borow-elder, according to the diuersity of speech in diuers places. And to this day he is now called a Constable.

Hæretico comburendo.

Hæretico comburendo.

Hæretico comburendo est vn Briefe, & gift vers luy que est vn Heretique, ceo est que ayant estre vn foyts conuince de Heresie per l' Euesque, & ayant c' abiaire, puis en c' re-

Hæretico comburendo is a writ, a lither against him who is an Hereticke, that is, who hauing bin once conuincd of Heresie by the Bishop, & hauing abjured it, afterward falls into it againe,

again, or into some other, and is thereupon committed to the secular power.

And Brit. lib. 1. cap. 17. saith, That by the Common Law those persons which should feloniously burn the coine or houses of others, & also those which were Sorcerers and Sorceresses, and Sodomitical persons, and Heretickes, should be burnt and consumed.

lapse arere, ou en ascun autre, & est sur ceo commise al lay poyar.

Et Brit. lib. 1. cap. 17. dit, Que per le Common Ley ceux persons queux feloniouslyment arseront auters blees, ou auters measons, & auxy ceux queux sont Sorciers, & Sorciresses, & Sodomies, & Heretickes seront auxy combures & arses.

Heireloome.

Hireloome is any peece of householdstufte, which by the custome of some countries, having belonged to a house for certain descents, goes with the house after the death of the owner unto the heire, and not to the Executors.

Heireloome.

Hireloome est ascun parcel des vtenfils dun mease, que per le custome del ascun pais esteant apperteinant al vn mease pur certaine descents, ala oue le mease apres le mort del owner al heire, & nemy as Executors.

Hidage.

Hidage, that is, to be quit, if the King shall taxe all the land by Hides.

Note, That a Hide of land is a whole Plough-land: And this kinde of taxing by Hides was much vsed in old time, as well for prouision of Armour, as payments of money, and that chiefly in King Etheldreds Dayes (a King in this Country before the Conquest) who in the yeere of Christ 1006. when as the Danes landed at Sandwiche in Kent,

Hidage.

Hidage, hoc est, quieru esse, si Dominus Rex talliauit totam iram p Hidas.

Note, Que vn Hide de tre est vn entiere Plough-land: Et cest kind de taxing per Hides fuit mult vsé en veyel temps, cybien pur prouision de Armour, come payments de Argent, & c' principalmt en les iours d' Roy Etheldred (vn Roy e cest pais d'uant l' Conquest) q'en l' anñ de Christ 1006. qnt les Danes pristerra terre al Sandwiche en Kent,

The Exposition of

tax tout son fre p Hides e cest
man, Que chesc' 3 10. Hides d'
fre doyent trouer vn nief fur-
nish, & chesc' 8. Hides doyent
trou' vn Iacke & vn sallet pur
le defence del Realme.

tared all his land by hides thus,
That every 3 10. Hides of land
should find one Ship furnished,
and every 8. Hides should finde
one Jack and one saddle for the
defence of the Realme.

Hoblers.

Hoblers.

HOblers sont homes menti-
on en lestatute de 25.E.3.
Stat. 5. cap. 8. & sont tiels q'x
per leur tenure sont lies de
meintener vn petit Chival, p'
donor notice d' l' asc' inuasion
ou au' peril q' happa p'chein
al mere lou ils demurront.

HOblers are men mentioned
in the Statute of 25.E.3.
Stat. 5. cap. 8. and they are such
as by their tenure are bound
to keep a little Paggge to giue
notice of any inuasion or other
danger that hapneth neere the
sea side where they dwell.

Hoghenhine.

Hoghenhine.

Hoghenhine est celuy que vi-
ent a vn meason en l' guise
d'un guesst, & la repola l' tierce
nuict, puis quel temps il est
accompt vn d' son Familie, en
que meason il repola, & offend
le Peace l' Roy, son host coui-
ent de respond' p' luy, *Bract.*
li. 3. tract. 2. cap. 10. En l' Leys
d' Roy Edward, edite p' Mon-
sieur Lambert, il est appell' A-
genhine, ou vous poyes lyer
pluis de cest mesure.

Hoghenhine is hee who com-
meth guesst-wise to a house,
and there lyeth the thirde night,
after which time he is accoun-
ted one of his family, in whose
house hee lyeth, and if he offend
the Kings Peace, his host must
bee answerable for him, *Bract.*
li. 3. tract. 2. ca. 10. In the Lawes
of King Edward set forth by
M. Lambert, he is called A-
genhine, where you may reade moze
of this matter.

Homagio respectu- ando.

Homagio respectu- ando.

Homagio respectuando est vn
B're direct al Escheatour,

Homagio respectuando is a writ
directed to the Escheatour,

commanding him to deliver seisin to the heire of his lands at his full age, although that he hath not made his homage. Of which see Fitz.N.B. 269.A.

luy mandant pur deliuer seisin al heire de ses terres a son plein age, coment que son homage ne soit fait. De q veies Fitz.N.B. fo. 269.A.

Homine capto in Withernamium.

Homine capto in Withernamium.

Homine capto in Withernamium is a writ to take him that hath taken any bondman or woman, and led him or her out of the County, so that he or she cannot bee repleued according to Law, Reg. Orig. fo. 79.a.

Homine capto in Withernamium est vn Bre d prender luy q ad prise asc' villaine ou nief, & trahe luy ou el hors d'l Countie, assint que il ou el ne poit estre repleuie accordant al Ley, Reg. orig. fo. 79.a.

Homine replegiando.

Homine replegiando.

Homine replegiando is a writ to deliver men out of prison upon Baille: which in what cases it lies, and in what not, see in Fitz.N.B. fo. 66.E. and see here afterword in the title of Repleuin in the end.

Homine replegiando est vn Briefe pur le bayler des homes hors del prison: le quel en queux cases gist, & en queux nemy, veies Fitz.N.B. fol. 66.E. & veies hic apres tit. Repleuin in fine.

Hotchpot.

Hotchpot.

Hotchpot is a medling or mixing together, and a partition of lands given in Frankmarriage, with other lands in fee simple descended: As for example, a man seised of xxx. acres of land in fee simple, hath issue two daughters, and giueth with one of his daughters to a man that marrieth her, x acres of the same land in Frankmarriage, and dieth seised of the other 20. acres. Now if she that

Hotchpot est vn medling ou mixing ensemble, & vn partition de terres done en Frankmarriage, ouesq auters terres en fee simple descendus: Come per exemple, vn home seisie de xxx. acres de terre en Fee simple, ad issue d'ux files, & done ouesq vn d' les files, al vn home q luy marrie, x. acres d' ceo fre en Frankmarriage, & morust seisie de les auters 20. acres. Ore si el que

The Exposition of

est issint marrie voilloit auer
ascun part de les xx. acres de q
sa pere morust seisie, el doyt
mis ses terres done en frank-
marriage, en Hotchpot, ceo est
adire, el doyt refuser de pren-
der le sole profits d'l tre done
en frank-marriage, & suffer
le terre de estre commixt &
mingle ensemble ouesque le
auter terre de que sa pere
morust seisie, issint que vn e-
qual diuision poyt estre fait d'
lentire, perenter luy & sa soer.
Et issint pur sa x. acres el auer-
ra xv. autrement sa soer voit
au les xx. acres de que lour
pere morust seisie.

is thus married will haue any
part of the xx. acres whereof
her father died seised, shee must
put her lands given in frank-
marriage, in Hotchpot, that is
to say, shee must refuse to take
the sole profits of the land gi-
uen in frank-marriage, and suf-
fer the land to bee commixt and
mingled together with the o-
ther land whereof her father
died seised, so that an equall di-
uision may bee made of the
whole between her and her si-
ster. And thus for her x. acres
shee shall haue xv. else her sister
will haue the xx. acres of which
their father died seised.

Homage.

HOmage en nostre liures est
deux fold, cest adire, Ho-
magium ligeum, & ceo est tant
cō liegeance, d' q Bract. parle,
li. 3. ca. 35. fo. 79. Soli Regi de-
betur sine dominio seu serui-
tio: Et laus est Homagium feu-
dale, q ad son original p tenuer.
En Fitzh. N. B. fol. 269. la est
vn Brief pur respecture de cest
darreine Homage que est due
p reason del feud ou tenure.
Mes Homagium ligeum est en-
herent & enseparable, & ne
poit estre respectuus. Homa-
gium ratione feodi, siue tenu-
re, est define destre vn ser-
uice que serra fait en tiel man-
ner, cestascuoir, le Tenaunt
en fee simple ou fee taile que

Homage.

HOmage in our bookes is two
fold, viz. Homagium ligeum,
and that is as much as liege-
ance, of which Bracton speak-
eth, lib. 2. ca. 35. fol. 79. Soli Regi
debetur sine dominio seu seruitio:
And the other is Homagium
feudale, which hath his origi-
nall by tenure. In Fitzh. N. B.
fol. 269. there is a writ for re-
specting of this latter Homage,
which is due by reason of the
fee or tenure. But Homagium
ligeum is inherent and insepa-
rable, and cannot bee respited.
Homage by reason of fee or te-
nure is define to bee a seruice
which shall be made in such ma-
ner, that is to say, the Tenant
in fee simple or fee taile that
holdeth

holdeth by Homage, shall kneele
upon both his knees ungirded,
and the Lord shall sit and hold
the hands of his Tenant be-
tween his hands, and the Ten-
ant shall say, I become your
man from this day forward of
life and member, and of earthly
honour, & to you shall be faith-
full and true, and shall beare to
you faith for the lands that I
claime to hold of you, saving
that faith that I owe to our
Lord the King, and then the
Lord so sitting shall kiss him.

But how fealty shall be done,
loke before in Fealty.

And the Steward of the
Lord may take fealty, but not
Homage.

Homage auncestrel.

Homage auncestrel is where a
man and his Ancestors of
time out of mind did hold their
land of their Lord by Homage,
And if such Lord hath received
Homage, he is bound to acquit
the Tenant against all other
Lords about him of every man-
ner service. And if the Tenant
hath done Homage to his Lord
& is impleaded, & voucheth the
Lord to warranty, the Lord is
bound to warrant him, & if the
Tenant lose, he shall recover in
value against the Lord so much of
the lands as he had at the time
of the voucher, or any time after.

tient par Homage, genuflera sur
ambideux genues disincte, &
le Seignieur serra seare, & ti-
endra les mains son Tenant
entre ses mains, & le Tenant
dire, Ieo deuigne vostre home
de cest iour en auant de vie &
de member, & de terreyne ho-
nour, & a vous serra foyall &
loyall, & foy vous portera
des terres que Ieo claime de
teñ de vous, salue de foy que
Ieo doy a nostre Seignieur le
Roy, & donqs le Seignieur il-
luy seant luy basera.

Mes corné fealtie serra fait,
vres deuant en Fealtie.

Et le Seneschal le Seignior
poit prendre fealtie, mes ne-
my Homage.

Homage auncestrel.

Homage auncestrel est lou un
hōe & ses Ancestors d' temps
dont memorie ne courge, ont
tenus la terre d' un Seignior par ho-
mage. Et si tel Sñr ad receue
homage, il est tenu d' acquiter
le Tenāt vers tous aults Seig-
niors paramont luy, d' chescū
man seruice. Et si le Tenant ad
fait Homage a son Sñr, & soit
implead & vouche le Seignior
a garrantie, le Seignior est te-
nus de luy garrant, & si le
Tenant perde, il recoñra en va-
lue vers son Seignior tant des
terres que il auoit al temps
de la voucher, ou vnques puis.

Auxy

The Exposition of

Auxy si home q tient son tre
p homage Ancestrel, alien le
tre en fee, donq l' alience fer-
ra homage a son Sfr, mes il ne
tiendra p homage Ancestrel;
par ceo que le continuance del
tenancy en le sanke d'l prither
Tenant est discontinue.

Also if a man that holdeth his
land by homage Ancestrel, alien
the land in fee, then the estate
shall be homage to his Lord, but
he shall not hold by homage An-
cestrel, for that the continuance
of the tenancy in the blood of
the first Tenant is discontinued.

Homofoken.

Homofoken.

Homofoken, ou Hamefoken,
hoc est, quietum esse & A-
merciammentis de ingressu ho-
spicionum violentè & sine li-
centiâ, & contra pacem Domi-
Regis. Et quod teneatis placit
& hñdi transgres. facta in Co-
ria vestra, & in terris vestris.

Homofoken, or Hamefoken,
that is, to be quit of dan-
gements for entering into hou-
ses violently and without li-
cence, and contrary to the peace
of the King. And that you hold
plea of such trespasses done in
your Court, and in your land.

Homicide ou Man- slaughter.

Homicide or Man- slaughter.

Homicide ou Manslaughter
est l' occider de vn home
feloniouslyment sauns malice
prepenſe. Il est auxy define
issint, Homicidium est homi-
nis occisio ab homin facta.
Si autem a Cane, Boue, ou a
lia re, non dicitur pproie ho-
miciâ, dicitur homicidium ab
homin, & cædo, quasi hominis
cædium.

Homicide or Manslaughter is
the killing of a man felon-
iously without malice fore-
thought. It is also defined
thus, Homicide is the killing of
a man by a man. And if such kil-
ling be done by a Dogge, Ore, or
other thing, it is not properly
called homicide, for it is called
homicide of a man, and so kill, as
the killing of a man.

Honour.

Honour.

Honour, pres le genal signi-
fication est vse specialmēt p
le plus noble sort de Seig-

Honour, besides the general
signification is used specially
for the most noble sort of Lord-
ships

Shipps, wherof other inferiour Lordships or Manors doe depend by performance of customes and seruices, some or other, to those that are Lords of them: And it seemeth that there are no Honours but those which originally appertained to the King, yet they may afterwards bee giuen in fee to Noblemen. The manner of creating of these Honours may in part be collected out of the Statutes of Anno 31. Hen. 8. cap. 5. where Hampton Court is made an Honour, and Anno 33. eiusd. cap. 37. & 38. whereby Ampthill and Grafton are likewise made Honours: and Anno 37. eiusd. cap. 18. whereby the King hath power giuen him by his Letters Patents to erect foure severall Honours of Westminster, Kingston upon Hull, S. Othmes in Essex, and Dodington in Barkshire.

Hornegeld.

Hornegeld, that is, to be quit of a certaine custome exacted by Tallyage through all the land, as of whatsoeuer horne Beast.

Hospitallers.

Hospitallers (*Hospitalarii*) are an order of Knights first founded at Ierusalem, and called the Ioannites or Knights of St. Iohn of Ierusalem, and

niories, de que auter inferiour Seigniories ou Manors dependont per performance des customes & seruices, vn ou auter, a ceux que sont Seigneurs d'eux: Et semble q la sont nuls Honours fors q; ceux que originalment appertinent al Roy, vncore ils poient en ays estre done en fee al Noble-homes. Le manner del creation de ceux Honours poit en part estre collect hors des Statutes de *Anno 31. Hen. 8. cap. 5.* pour Hampton Court est fait vn Honour, & *Anno 33. eiusd. cap. 37. & 38.* per que Ampthill & Grafton sont auxy faits Honours: & *Anno 37. eiusd. cap. 18.* per que le Roy ad poyar done a luy, p ses Letters Patentes, de erecte quater feveral Honours de Westminster, Kingston sur Hul, S. O. thmes en Essex, & Dodington en Barkshire.

Hornegeld.

Hornegeld, hoc est, quietum esse de quadam consuetudine exacta per Taliagium per totam terram, sicut de quacunque Bestia cornuta.

Hospitallers.

Hospitallers (*Hospitalarii*) sont vn ordre des Chivaliers primes foundue al Ierusalē, & appells Ioannites ou Chivaliers d St. Iohn de Ierusalem, & fueront

fueront appells Hospitallers, p
ceo q̄ ils edifie vn Hospital al
Ierusalem pur l' interteinmēt
de ceux q̄ veignent des tous
parts del monde pur visiter les
sacred lieux, & ils guardont &
defend tiels Pilgrims en leur
iournes. Le Institution d' cest
order fuit primes allowe per
Pape *Gelasius* 2. entour l'an
1118. Et ils auoyent mults
priuiledges graunus as eux,
come immunities del paymēt
des dismes, &c. Et pur ceux ils
sont plusors fois mentions en
nostre liuers. Troueres leur
priuiledges as eux referues en
lestat. de *Mag. Charr. cap. 37.*
Et poies veier le droit des sub
iects le Roy vindicate d' l' usur
pation de leur iurisdiction p.
lestatute *West. 2. cap. 43.* Leur
chiefe residence est ore en le
Isle de *Melita*, vsualment ap
pel *Malta*, done as eux per le
Emperor *Charles* le cinquies
m. Et p̄ ceo sont appells ore
Chiualers de *Malta*. Touts
les fies & biens d' ceux Chi
ualers icy en Engleterre fueront
mises en le disposition le Roy
per lestatute de 32. *Henr. 8.*
cap. 24.

Houfeboote.

Houfeboote est necessary me
rieue q̄ le Lessee pur ans
ou pur vie, de common droit
poit p̄nder sur le fre, repaire
les meafons sur m̄ le fre a luy
lessa, nient obstant il ne soyt

they are called *Hospitallers*,
for that they built an *Hospital*
at *Ierusalem* for the intertain
ment of all such as from any
part of the world came to visit
the holy places, and did guard
and protect such *Pilgrims* in
their tournes. The Institution
of their order was first allowed
by *Pope Gelasius* the second a
bout the yere 1118. And they
had many priuiledges graunted
vnto them, as immunities from
payment of tythes, &c. And for
this they are often mentioned in
our booke. You shall find their
priuiledges referred to them in
the Stat. of *Mag. Charr. cap. 37.*
And you shall see the right of
the Kings subiects vindicated
from the usurpation of their iur
isdiction by the Stat. of *West. 2.*
cap. 43. Their chiefe abode is now
in the Island of *Melita*, common
ly called *Malta*, giuen them by
the Emperor *Charles* the fifth.
And for that they are now cal
led *Knightes* of *Malta*. All the
lands & goods of these *Knightes*
here in *Englond* were put in
the disposition of the King
by the Statute of 32. *Henr. 8.*
cap. 24.

Houfeboote.

Houfeboote is necessary time
ber that the Lessee for yeeres
or for life, of common right may
take vpon the ground to repaire
the houses vpon the same ground
to him leased, although it be not

expressed in the lease, and although it bee a lease by word without deed. But if he take more than is needfull, he may be punished by an action of Waste.

expresse e l' lease, & nient obstant il soit vn lease per parols sans fait. Mes si ils prist plus q besoigne, il poit estre punish per vn action de Waste.

Hue and Crie.

Hue & Crie.

Hue and Crie is a pursue of one having committed felony by the high way, for if the party robbed, or any in the company of one that was murdered or robbed cometh to the Constable of the next Towne, and telleth him to raise Hue and Crie, or to make pursue after the offender, describing the party, and shewing as neere as he can, which way he is gone, the Constable ought forthwith to call upon the Parish for aide in seeking the felon, and if hee be not found there, then to give warning to the next Constable; and hee to the next to him, untill the offender bee apprehended; or at the least untill he be so pursued to the sea side. Of this see Bracton lib. 3. tract. 2. cap. 5. Smith de Repub. Angl. lib. 2. cap. 20. and the Statute of Winchester made Anno 13. E. 1. and the Statute of 28. E. 3. c. 11. & an. 27. El. c. 13.

Hue & Crie est vn pursue de vn arant cōmie felonie per le haut chemin, car si le partie rob, ou ascun en le compagnie de vn q fuit murtre ou rob vient al Constable del prochein Ville; & luy commande de faire Hue & Crie; ou de faire pursue puis l'offendor; describant le partie; & cypres que il poit monstrans quel voy il est ale; le Constable doit immediatme de appeller sur le Paroche pour ayde en querance le Felon, & si ne soit troue la, donque de doner garrin al prochein Constable; & il al prochein luy, ielsque l'offendor soit apprehend, ou al mieins ielsque il soit este pursue al latere de mere. De ceo veies Bract. li. 3. tract. 2. c. 5. Smith de Repub. Angl. li. 2. cap. 20. & lestatute de Winchester fait An. 13. E. 1. & lestat de 28. E. 3. ca. 11. & an. 27. El. ca. 13.

Hundred.

Hundred.

Hundreds were divided by Alfred the King, after that

Hundreds fueront deuise par Alfred le Roy, apres que
Dd

The Exposition of

il ad diuide l' entier Realme en certain parts ou sections, le quel d' le Saxon parol *Scyran*, significât d' scinder, il terme Shires, ou (sicôe nous vncore parle) Shares & Portions. Ceux Shires il auxy diuide en petits parts, de queux ascuns fueront appellees Lathes, de le parol *Gelathian*, que est de assembler ensemble: auters Tythings, issint nosme pur ceo q' la fueront en chescun de eux al number d' dize p'çons, d' que chescun fuit suretie & pledge pur auters bone behauiour: auters Hundreds, pur ceo que ils containe iurisdiction sur vn hundred homes ou pledges, d' murrant peraduenure en d'ux, ou trois, ou plus Paroches, Boroughs, ou Villes, esteaunt & adioymaunt niens meines pcheine ensemble, en le quel il appoint administration de Iustice destre exercise seueralment enter eux de mesme le Hundred, & nemy q' l'un irra hors disorderint e' l'aut Hundred, Lathe, ou Tything, en que il ne demurt. Ceux Hundreds continue a cest iour en force, nient obstant ne en tout al mesme le purpose, pur que al primer ils fueront ordeine, vncore a ore mult necessaie, & en temps de peace pur bone order de gouvernement diuers voies & auxy en guerre p' certainie de leuyng de homes: Cõe auterint pur le plus speedie collections des payments

he had diuided the whole Realm into certaine parts or sections, which of the Saxon word *Scyran*, signifying to cut, he termed *Shires*, or (as we yet speake) *Shares and Portions*. These *Shires* bee also diuided into smaller parts, whereof some were called *Lathes*, of the word *Gelathian*, which is to assemble together: others *Tythings*, so named, because there were in each of them to the number of ten persons, whereof each one was suretie and pledge for others good abearing: others *Hundreds*, because they contained iurisdiction ouer one hundred men or pledges, dwelling peradventure in two, or three, or more *Parishes*, *Boroughs*, or *Townes*, lying and adioyning neuertheless somewhat neere together, in which bee appointed administration of Justice to be exercised seuerally among them of the same Hundred, and not that one should runne out disorderly into anothers Hundred, Lathe, or Tything, wherein he dwelleth not. These Hundreds continue to this day in force, although not altogether to the same purpose, wherunto at first they were appointed, yet still very needfull, both in time of peace for good order of government diuers waies, and also in war for certainty of leuying of men: As also for the more ready collections of: payments

graunted in Parliament to the
Kings and Queenes of this
Realme.

graunt en Parliament a le
Royes & Roygnes de ceo
Realme.

Hundredum.

Hundredum.

HVndredum, that is, to bee
quit of money or customes
to bee done to the Gouernours
and Hundreysors.

HVndredum, hoc est, quic-
tum esse de denariis vel
consuetudinibus faciendis
Prepositis & Hundredariis.

Hustings.

Hastings.

HVstings (Hustingum) is a
Court of Common Pleas,
held before the Mayor and Al-
dermen of London, and it is the
highest Court that they haue,
for error or attaint lies there
of a Iudgement or false verdid
in the Sheriffes Court, as it
appeares by Fitzh. N.B. 22.H.
&c. and by the Statute of 11.
H.7.cap.21. And other Cities
and Townes haue had a Court
of the same name, as Winche-
ster, Lincolne, York, and
Sheppey.

HVstings (Hustingum) est vn
Court de Common Pleas
tenus d'uant le Mayor & Al-
dermen de Londres, & est le
plus hault Court que ils ont,
car error ou attaint gist la
dun Iudgement ou faux ver-
dict en le Court le Viscount,
come appiert per Fitzh. N.B.
22.H. &c. & per lestatute de
11.H.7.cap.21. Et autres Ci-
ties, & Boroughs, ont ew vn
Court de fin le nosme, come
Winchester, Lincolne, Yorke,
& Sheppey.

I.

I.

Idiot.

Idiot.

IDeot is he that is a foole, na-
turall from his birth, and
knoweth not how to account
or number twenty pence, or can-
not name his father, or mother,
nor of what age himselfe is, or
such like case and common mat-

IDeot est celuy q est vn fol
natural de sa neisture, & ne
scauoit de accomplir ou
number xx. s. ne poit nosme
son pere, ou mere, ne de quel
age luy m est, ou tiel sembla-
ble plaine & common cho-
ses.

The Exposition of

ses, issint que il appiert que il n'ad aucun manner de entendement de raison ne gouvernement deluy mesme, quel est pur son profit ou disprofit, &c. Mes sil ad tant intelligence que il poit lier, ou apprehender de lier per instruction & information des autres, ou poit mesure vn vine de drape, ou nosme les iours en le semaine, ou engender vn enfant, firz, ou fille, ou tiel semblable, per que il poit appeare, que il ad aucun lumen de raison, donques tiel n'est Ideot naturellement.

ters, so that it appeareth hee hath no manner of understanding of reason or government of himselfe, what is for his profit or disprofit, &c. But if hee haue so much knowledge that hee can reade, or learne to reade by instruction and information of others, or can measure an ell of cloth, or name the dayes of the weeke, or beget a childe, sonne, or daughter, or such like, where by it may appeare that hee hath some light of reason, then such a one is no Ideot naturally.

Idemptitate nominis.

Idempritate nominis est vn Briefe, & gift lou Briefe de dette, couenant, accompt, ou tiel semblable Briefe. est port vers vn home, & vn autre que ad mesme le nosme. come le Defendaunt ad, est pris pur luy, donques il auera cest Briefe, per que le Viscount fra inquire deuant le Iustice assigne en mesme le Countie, si soit mesme le person ou nemy, & sil ne soit trouue le partie, donques il alera sans iour en peace.

Icofaile.

Icofaile est quant les parties al aucun suit en pleadant ont

Idemptitate nominis.

Idempritate nominis is a writ, and it lyeth where a writ of debt, couenant, or account, or such other writ is brought against a man, and another that hath the same name as the Defendant hath, is taken for him, then he shall haue this writ, by the which the Sherife shall make inquire before the Justice assigned in the same County, if he be the same person or not, and if hee be not found to be the party, then he shall goe without day in peace.

Icofaile.

Icofaile is when the parties to any suit in pleading haue

proceeded so far that they haue
 toynded issue, which shall be tried,
 or is tried by a Jury or En-
 quest. And this pleading or is-
 sue is so badly pleaded or toynded,
 that it will be error if they pro-
 ceed: Then some of the said par-
 ties may by their counsell shew it
 to the court as well after verdict
 giuen and before iudgement, as
 before the Jury be charged.
 The shewing of which defects
 before the Jury charged, was
 often when the Jury came into
 the Court to try the issue: then
 the counsell which will shew it,
 shall say, This enquest ye ought
 not to take. And if it bee after
 verdict, then hee may say, To
 iudgement you ought not to go.
 And because by such many de-
 laies were in suits, diuers Sta-
 tutes are made to redresse them,
 as well in the time of King H. 8.
 an. 32. cap. 30. as in the time of
 Queen Eliz. whercof a man may
 say as the Ciuilians say, That
 although Constantine the Empe-
 rour commanded the formes of
 the Law to be cut off, yet the dai-
 ly vse of pleading doth seeme a-
 gaine to recall them, or rather,
 some of them increase as the
 heads of *Hidra*. See also now a
 new Statute of Ieofailes made
 in 21. Iac. cap. 13.

Ietlam.

Ietlam is when a Ship is in
 perill to bee drowned, and to
 disburden the Ship the Marti-

a tant proceed que ils ayent
 ioyne issue quel terra trie, ou
 est trie per vn Iurie ou Enqst.
 Et cel pleading ou issue est cy
 malesit plede ou ioyne que il
 terra error si eux proceed :
 Donque ascun del dits parties
 poit p leur counsel mfe ceo al
 Court auxibien apres verdict
 done & deuant iudgment, come
 deuant l' Iurie soit charge. Le
 monstrans des qux defects de-
 uant le Iurie charge, fuit sonet
 qnt le Iurie veigne al Court &
 trer l' issue: donqs le counsel
 quel voit ceo mfe dirra, Cest
 enquest ne doit prend. Et si
 soit apres verdict, donques il
 poit dire, Al iudgment ne dves
 aler. Et pur ceo que per riels
 mults delaies fueront en suits,
 diuers Statutes sont faits de re-
 dresser ceo, auxy bien en temps
 de Roy *Henr. 8. an. 32. cap. 30.*
 come en le temps le Roygne
Elizab. de queux home poit
 dire que les Ciuilians dient,
Quod tamen si iuris formulas
amputari iusserit *Constantinus*
Imperator, quotidianum
tamen forensis usum eas reuo-
casse videtur, vel potius, quod
crescunt ut *Hidrae capita.*
 Veies auxy ore vn nouel Sta-
 tute de Ieofailes fait en 21.
 Iac cap. 13.

Ietlam.

Ietlam est quant vn Niefe est
 en peril deske merge, & pur
 disburden le Niefe les Mari-

Dd 3

ners

The Exposition of

ners jectra les biens en le mere,
& puis nient obstant le Niese
perish, & nul de ceux biens
que sont appel Ietsan, Float-
sam, ou Lagan, sont appel
wreck, cy long come ils re-
maine en ou sur le mere,
mes si aucun de eux sont mise
al terre per le mere, donque
ils seront dit wrecke, & passe
per le graunt de wrecke, *Cok.*
lib. 5. fo. 106.

ners cast the goods into the sea,
and although afterward the
Ship perish, and none of those
goods called Ietsan, floatsam,
or Lagan, are called wrecke, as
long as they remaine in or by-
on the sea, but if any of them
are drinen to land by the
sea, there they shall bee said
wrecke, and passe by the
graunt of wrecke. *Coke lib. 5.*
fol. 106.

Illoyal assembly.

Illoyal assemblee est lon
people eux assemble in-
simul pur faire illoyal chose
encounter le peace, nient ob-
stant que ils ne execuē leur
purpose en fait.

Unlawfull assembly.

Unlawfull assembly is where
people assemble themselves
together to doe some unlawfull
thing against the peace, although
that they execute not their pur-
pose indeed.

Impeachment de Waste.

Impeachment de Waste (*Im-
petitio vasti*) est tant adire
cō vn demand fait ou destre
fait pur waste fait p vn Tenāt
q nad forsque vn particular e-
state pur vie ou pur an. Et pur
ceo cestuy q ad tiel lease sauns
impeachment de waste, ad p ceo
vn proprietie ou interest a luy
done en les meales ou arbres,
& poit faire waste en eux sans
estre impeach pur ceo, cest al-
cauoir sans estre question, ou
aucun recompence de luy de-
mand, pur le waste fait. *Veies*
Co. l. 11. en Bowles case f. 82. b.

Impeachment of Waste.

Impeachment of Waste (*Impe-
titio vasti*) is as much to say as
a demand made or to be made
of recompence for waste done
by a Tenant that hath but a
particular estate for life or years.
And therefore he that hath such
a lease without impeachment of
waste, hath by that a property
or interest given him in the hou-
ses and trees, & may make waste
in them without being impea-
ched for it, that is, without being
questioned or demanded any re-
compence for the waste done.
See Co. li. 11. Bow. case, fo. 82. b.

Implements.

Implements.

Implements comes either from the French word (*Emploier* to employ) or from the Latine (*implere* to fill up) and it is used for things of necessary use in any trade or mystery, which are employed in the practice of the said trade, or without which the worke cannot bee accomplished. And so also for furniture of household with which the house is filled. And in that sense you shall find the word often in wills and conveyances of moveables.

Impost.

Impost is a French word that signifies tribute, but with us it is taken for the tax that is paid the King for any merchandise brought in into any haven from places beyond the seas. And it is used in the Statute of 31. Eliz. cap. 5. as a word of the same signification with some which Merchants pay.

Imprisonment.

Imprisonment is no other thing but the restraint of a mans liberty, whether it bee in the open field, or in the stocks, or cage in the streets, or in a mans own house, as well as in the common Gaole. And in all

Implements.

Implements venust ou del parol Francois (*Emploier*) ou del Latine (*Implere*) & est use pur choses necessarie de estre use en aucun trade ou mysterie, quex sont implies en le practice del dit trade, ou fauns q̄x l'ouurage ne poit estre accomplish. Et issint auxy pur le furniture del household, quibus impletur domus. Et en ceo sensé vous troueres le parol plusors foits en darreine volunts & auters conueyances de moueables.

Impost.

Impost est vn parol Francois que signifie tribute, mes oue nous est prise pur le taxe pay al Roy pur aucun merchandize emport en aucun haure hors des lieux ouster le mere. Et est use en le Statute de 31. Eliz. cap. 5. come vn Synonimon oue custome q̄x Merchants payont.

Imprisonment.

Imprisonment nest auē chose fors q̄ le restraint del libertie d'un home, soit ceo en l'ouert champs, ou ē le cippes, ou cage en les estreets, ou en le proper meason d'un home, cibien cōe en le cōmon Gaole. Et ē tous

The Exposition of

ceux lieux le partie issint re-
strainc est dit: delte vn priso-
ner, cy longement come il nad
son libertie frankment de ire
a tous temps & lieux lou il
voit, sans baile ou mainprise,
ou autrement.

these places the party so res-
trained is said to be a priso-
ner so long as he hath not
his liberty freely to goe at all
times to all places whether he
will, without baile or mainprise,
or otherwile.

Incumbent.

Incumbent venust del La-
tine (*Incumbere*) & signi-
fie cestuy que est present, ad-
mit & institute al aucun Es-
glise ou Benefice oue cure,
que est pur ceo appel l' In-
cumbent de ceo Esglise, eo
quod incumbit ad curam ani-
marum, *ibid.* omni studio.

Incumbent.

Incumbent comes of the La-
tine (*Incumbere*) and signi-
fies him that is presented, ad-
mitted and instituted to any
Church or Benefice with cure,
who is therefore called the In-
cumbent of that Church, because
he doth bend all his study to the
discharge of the cure there.

Indicavit.

Indicavit est vn Briefe, &
gist lou debate est perenter
deux Clerkes en Court Chri-
stian d'un Esglise, ou part de
vn Esglise pur dismes, que a-
mount al meines a le value
de la quart part del Esglise,
& pur ceo que le patron del
Clerke le Defendant perda
son aduowson, si le Clerke le
Plaintife recouera, donques il
auera Briefe direct al Clerke
le Plaintife, ou al Officers
del Court Christian, eux
commandaunt de cesser le
leur plee, resques il est dis-
cussé en Court le Roy a
que l'aduowson appent: Et
cest Briefe serra enter quater

Indicavit.

Indicavit is a writ, and lyeth
where debate is between two
Clerkes in Court Christian of
one Church, or part of a
Church for dismes, which re-
manneth at the least to the va-
lue of the fourth part of the
Church, & for that that the pa-
tron of the Clerk of the Defen-
dant shall lose his aduowson, if
the Clerk of the Plaintife shall
reouer it, hee shall haue a writ
directed to the Clerk of the
Plaintife, or to the Officers of
the Court Christian, them com-
manding to cease their plee, until
it is discussé in the R. Court to
whom the aduowson belongeth:
the writ shalbe between foure
persons.

persons, two shall be Patrons,
and two shall be Clerkes: But
this writ is not returnable, but
if they refuse not their suit, he
shall have an attachment.

Indorsement.

Indorsement is that that is
written upon the backe of a
debt, as the condition of an ob-
ligation is said to be indorsed,
for that that it is written on the
backe of the obligation.

Infangtheefe.

Infangtheefe, that is, that
Thieves taken within your
demesne or see convicted of
thefts, shall be iudged in your
Court.

Information.

Information for the King is
that which for a common per-
son is called a declaration, and
is not alwaies done directly by
the King or his Attourney,
but rather by some other man,
Who sueth or informeth as well
for himselfe, upon the breach
of some penall Law or Sta-
tute, wherein a penalty is gi-
uen to the partie that will sue
for the same, but no action of
debt to recover is, then it must
be had by information.

persons, deux seront Patrons,
& deux seront Clerkes. Mes
cest Brieve nest returnable,
mes s'ils ne cessent leur suit il
auera vn attachment.

Indorsement.

Indorsement est ceo que est
escrie sur le dorse dun e-
script, come le condition dun
obligation est dit destre in-
dorse, pur ceo que est escry sur
le dorse del obligation.

Infangtheefe.

Infangtheefe, hoc est, que
Latrones capti in dominico
vel in feod vestro de latroci-
niis conuicti, in Curia vestra
iudicent.

Information.

Information pur le Roy est
ceo q pur vn common pson
est appel vn declaration, &
nest tous foies fait directmēt
per le Roy, ou son Attourney,
mes per vn autre home, *Qui
tam pro Domino Rege, quam
pro seipso sequitur*, sur le
breach d aucun penal Ley ou
Statute, en que vn penaltie est
done al partie que voit suer
pur ceo, mes nul action de
dte pur recouer ceo, donq il
doit este ewe p Information.

Ingrosser.

Ingrosser.

Ingrosser venust del parol Francois Grosier, id est, Solidarius venditor. Mes en nostre Ley vn Ingrosser est vn q achate Blee, Graine, Beurre, Formage, Poisson, ou autre mort victuals oue vn intent pur ceux vender arere. Et issint il est define en lestatute de 5.E.6.cap.14.fait encounter tel Ingrosser.

Ingrosser.

Ingrosser comes of the French word Grosier, that is to say, one that selleth by whole sale. But in our Law an Ingrosser is one that buyeth Corne, Graine, Butter, Cheese, Fish, or other dead victuals, with an intent to sel the same again. And so he is defined in the Statute of 5.E.6. cap.14. made against such ingrossing.

Inhibition.

Inhibition est vn Briefe d inhibi vn Iudge de proceder ouster en le cause dependaunt deuant luy, veies Fitzh.N.B. fol.39.ou il mitta prohibition & inhibition ensemble. Inhibition est pluis communement vn Briefe issuant hors d'un pluis haut Court Christian, a vn pluis base & inferiour, sur vn appeale, An.24.H.8.ca.12. & prohibition hors d'l Court le Roy de Record al Westminster, a vn Court Christian, ou a vn inferiour Court temporall.

Inhibition.

Inhibition is a writ to inhibit a Judge to proceed further in the cause depending before him. See Fitzh. Nat. Breu. fol.39. where hee putteth prohibition and inhibition together. Inhibition is most commonly a writ issuing forth of a higher Court Christian to a lower and inferiour, upon an appeale, Anno 24.Hen.8.cap.12. and prohibition out of the Kings Court of Record at Westminster, to a Court Christian, or to an inferiour temporal Court.

Iniunction.

Iniunction est vn interlocutorie decree hors d'l Chancery, ascun foits a done possession al plaintife, pur defect de apparance en le defendant,

Iniunction.

Iniunction is an interlocutorie decree out of the Chancery, sometime to give possession to the plaintife for defect of apparance in the defendant,

sometimes to the ordinary Courts of the King, & sometimes to the Court Christian, to stay proceeding in a cause upon suggestion made, that if the rigour of the Law take place, it is against equity and conscience in that case, see West. pt. 2. tit. Proceedings in Chancery, sect. 25.

algun foits al ordinary Cour del Roy, & asc' foits al Cour Christein, destop p pceeding en vn cause sur suggestion fait, q le rigour del Ley fil prend lieu, est enconfe equity & conscience en cel case, veies West. par. 2. tit. Proceedings in Chancery, sect. 25.

Inmates.

INmates are those persons of one family that are suffered to come and dwell in one cottage together with another family, by which the poore of the Parish will bee increased. And therefore by the Statute of 31. Eliz. cap. 7. there is a penalty of ten shillings a moneth set upon every one that shall receive or continue such an Inmate.

Inmates.

INmates sont ceux persons d'un family que sont pmittes pur vner & inhabiter en vn cottage ensemble oue vn autre family, per que les povers del Parish serront increases. Et pur ceo p lestatute d 31. Eliz. cap. 7. la est vn penaltie d dize sous per mois impose p chescun que receiuera ou continuera tiel Inmate.

Instant.

INstant, id est, in Latine Instans, and defined by the Logicians, A thing not diuidable in time, which is not any time, nor part of time, to which yet the parts of time are conioyned, is much considered in the Law: & though it cannot be actually diuided, yet in consideration and conceit may be diuided & applied to severall purposes, as if they were severall times, whereof see in Master Plowdens Commentaries in the case betwene

Instant.

INstant, que est dist en Latine Instans, & define p les Logicians, *Vnum indivisibile est tempus, quod non est tempus, nec pars temporis, ad quod tamen partes temporis copulantur*, est mult consider en Ley: & cosit ne poit actualmēt de fte diuide, vnc' est en considerac' & conceit diuide & apply al seual purposes, sicome fueront severall temps, de quel veies en Monsieur Plowdens Commentaries en le case enter

Fulmerston & Stuard, lou le-
statute 31.H.8. que enact, Que
si Abbe deins an deuant cest
Seaturelessa terre al vn, que
al tēps del feafance de mesme
le lease eyte mesme le terre
al ferme pur terme de ans,
donque niens expire, que le
Lessee auera cest terre sole-
ment pur vint vn ans est ex-
pound.

Et la est debate, Qu:
quant Termor prent le second
lease, il surrender son form'
terme que il auoit deuant, &
sic al mesme temps del prisel
del second lease, il eit vn for-
mer terme, & per le prisel del
second lease, le former terme
fuit expire, & issint al vn in-
stant & temps, il eit vn for-
mer terme, & auxy le former
ēme fuit expire & determin.
Et en l' case en Petit & Hales,
cestuy que occide luy mesme,
tanque soit mort ne fesoit fe-
lonie, & quauant fuit mort, ne
fuit en esse, issint que poit este
dit felon, mes al instant est en
Ley adindge Felon.

Et sont mults auters cases
en Ley, lou l' instant temps,
que est indiuisible en na-
ture, en consideration del
ment, & entendement del
Sages del Ley est diuide, sur
queux surde mults arguments
de ground ingenie & pro-
found iudgement.

Fulmerston and Stuard, where
the Statute of 31.H.8. which
enacted, That if an Abbot with-
in a yeere before the Statute
had letten lands to one, who at
the time of the making of that
lease had the same land to ferme
for a terme of yeeres, then not
expired, that the Lessee should
haue that land only for twenty
one yeeres is expounded.

And there it is debated, That
when the Termor taketh the
second lease, hee surrenders his
former terme which he had be-
fore, and so at the same time at
the taking of the second lease
the former terme was expired,
and so at one instant and time
hee had a former terme, and also
the former terme was expired
and determined. And in the case
betweene Petit and Hales, hee
which killeth himselfe, till he be
dead, commits not felony, and
when hee was dead, hee was
not in being, so that hee might
not be termed a felon, but at the
instant is in the Law adjudged
a felon.

And so there be many other
cases in Law, where the instant
time, that is not diuisible in
nature, in the consideration of
the mind and vnderstanding of
the Sages of the Law is di-
uided, vpon which arise many
arguments of great wit and
profound iudgement.

Inrolment.

Inrolment.

INrolment is the registering, recording, or entering of any act or deed in the Chancery or else-where, as of a Recognizance, a Fine, a Statute, or a Deed indented by the Statute of 27. Hen. 8. cap. 16. by which a freehold shall passe.

Intension.

Intension is a Writ that lies against him that enters after the death of Tenant in dower, or other Tenant for life, and holds out him in the reversion or remainder. And see for that Fitz. N. B. fo. 202. E. And every entry upon the possession of the King is called an Intension, as where the heire of the Tenant of the King enters after office, and before livery, this is said: an Intension upon the King, as appears in Stamf. Prerog. fo. 40: and many other books.

Inuentary.

AN Inuentary is a catalogue or recital in writing of all the goods and chattels of one that is dead, with the valuation of them by four credible persons, which every Executor and Administrator ought to exhibit to the Ordinary at the time appointed him,

Inrolment.

INrolment est le register, recorder, ou entrer dascun act ou fait en le Chancerie ou auters, come dun Recognizance, Fine, Statute, ou Fait indente per lestatute de 27. Hen. 8. cap. 16. per que vn frankement passer.

Intension.

Intension est vn Brieft que gist vers celay que enter apres le mort Tenat en dower, ou ascun auter Tenant pur vie, & tenuit hors celuy en le reversion ou remainder. Et veies pur ceo Fitz. N. B. fol. 202. E. Et chescun entry sur le possession le Roy est appel vn Intension, come lou le heire le Tnt le Roy ent apres office, & deuant luerie, ceo est dit vn Intension sur l' Roy, come apiert en Stamf. Prerog fol. 40. & mults autres liuers.

Inuentary.

Inuentary est vn catalogue ou recital en escript des tous les biens & chattels dun que est mort, oue le valuation deux per quater credible persons, le quel chescun Executor & Administrator doit exhibit al Ordinarie al temps appoint.

Ioyntenants.

Ioyntenants sont lou deux homes vient a asc' fres ou tenements per vn ioynt title, come si home done fre a deux homes & lour heires.

Mes Tenaunts en common sont loti deux homes ont fres per seuerall titles, ou per seoffment al deux; a auer & tener l'un moytie al vn & ses heires, & l'auter moytie al auter & ses heires, en tous ceux cases nul de eux scauoit son seuerall, cōc il serra dit apres.

Et nota, si sont deux ou trois Ioyntenants, & vn ad issue & deuie, donqs cestuy ou ceux Ioyntes q suruesq auera lentiertie per le suruiuer.

Mes si deux Ioyntes sont partie enter eux per fait p agreement, donqs ils sont seuerall Tenants.

Mes si vn Ioyntenant grant e q a luy appent, a vn estraunger, donqs l'aut Ioyntenaunt & l'estrang' sont Tenaunts en common.

Et mesque deux Tenaunts en common sont seisie per my & per tout, & nul coriust son seuerall, vnc' si vn deuie, l'aut ne aua lentiertie per suruiū, mes l'heire de celuy q deuie aua le moitie.

Et issint si sont trois Ioyntenants, & vn de eux fait seoffment de son part a vn auter, & le seoffee deuie, donques son

Ioyntenants.

Ioyntenants be where two men come to any lands and tenements by one ioynt title, as if a man give lands to two men, and to their heires.

But Tenaunts in common be where two men haue lands by seuerall titles; or by seoffment to two, to haue and to hold the one halfe to one & his heires, and the other halfe to another & his heires, in all these cases none of them knoweth his seuerall, as it shall be said after.

And note well, if there be two or three ioyntenants, & one hath issue and dieth, then hee or those ioyntenants that ouerline shall haue the whole by the suruiuer.

But if two Ioyntenants make partition between them by deed by agreement, then they be seuerall Tenaunts.

But if one ioyntenant grant that that belongeth to him to a stranger, then the other ioyntenant and the stranger bee Tenaunts in common.

And though two Tenaunts in common be telled throughly and of the whole, and none knoweth his seuerall, yet if one die, the other shall not haue the whole by suruiuer, but the heire of him that dieth shall haue the halfe.

And so if there be three ioyntenants, & one of them maketh a seoffment of his part to another, and the seoffee dies, then his

heire shall haue the third part, and the other two be Joyntenants as they were, because that they two bee seised by one ioynt title.

Also if lands be given to the baron & to his wife, and the husband alieneth and dies, the wife shall recover the whole: But if they were ioyntenants befoze the coverture, then in such case shee shall recover but the halfe.

Also if land bee given to the husband & to his wife, & a third person, if the third person grant that that belongeth to him, the one halfe passeth by this grant, for that that the baron and his wife bee but one person in the Law, and in this case they haue nothing in right but the halfe.

Also if two Joyntenants bee of lands in a Town that is Borough English, where land is diuisible, and one by his Testament deuiseeth that that belongeth to him, to a stranger, and dieth, this deuise is void, and the other shall haue the whole by suruiver, for that the deuise may not take effect till after the death of the Devisor, and immediately after the death of the Devisor the right cometh to the other Joyntenant by the suruiver, the which claimes nothing by the Devisor, but in his owne right by the suruiver. But otherwise it is of parceners seised of lands diuisible, *Causa qua supra*,

heire aua le tierce part, & les autres deux sont Joyntenants come ils fueront, pur ceo que eux deux sont seises per vn ioynt title.

Auxy si terre soit donee al baron & sa feme, & le baron alien & deuie, le feme recouera l'entier: Mes si ils fueront Joyntenants deuant le couerture, donqs en tiel case il recouera forsq le moitie.

Auxy si terre soit donee al baron & sa feme, & al tierce person, si le tierce person graunt ceo q a luy appent, la moitie passa per cel grant, pur ceo q le baron & sa feme sont forsqe vn person en le Ley, & en cest case ils nount en droyt forsqe le moitie.

Auxy si deux Joyntenants sont des freres en Ville que est Borough English, lou terre est deuisable, & l'un p son Testament deuise ceo que a luy appent, a vn estranger, & deuie, cest deuise est void, & l'auter auera l'entier per suruiver, pur ceo que le deuise ne poit prendre effect tanque apres le mort le Devisor, & immediate apres le mort le Devisor, le droit deuient al auter Joyntenant per le suruiver, le quel ne claime riens p le Devisor, mes en son droit demesne per le suruiver. Mes autrement est de parceners seises des freres deuissables, *Causa qua supra*.

Journies accounts.

Journies accounts (*Dietæ computatæ*) est vn tme en le Ley, que est vse en cest maner: Si vn Brieffe soit abate sans le default le Plaintiff ou Demandant, il poit ore purchase vn nouel Bre, que si soit purchase p Journies accounts (cesta scauoir, deins cy petite temps cõe il poit apres l' abatement d'l prim Bre) donque cest second Bre sera cõe vn continuance del prim Bre, & issint oustera le Tenant ou Defendaunt de son voucher; Plea de non tenure, Ioyntenancy pleinmt administer, &c. ou ascun aut plea que accue sur matter apres le date d'l prim Brieffe. Et quinze iours ont est reputes vn conuenient temps pur le purchase d'l nouel Brieffe. Veies pur cest Brieffe p Journies accounts, *Spencers case* Cok. li. 6. fo. 9. b.

Ioynture.

Ioynture est vn estate & assurance fait al vn feme en consideration de mariage, pur terme de sa vie, ou autrement, come est mention en le statute 27. Hen. 8. cap. 10. soit il deuant ou apres le mariage: Et si soit apres le mariage, donques el poit a sa libertie apres le mort de sa baron refuser

Journies accounts.

Journies accounts (*Dietæ computatæ*) is a terme in the Law, which is used in this manner: If a writ bee abated without the default of the Plaintiff or Demandant, he may now purchase a new writ, which if it bee purchased by Journies accounts (that is to say, within as little time as hee possibly can after the abatement of the first writ) then this second writ shall be as a continuance of the first writ, & so shall ouste the Tenant or Defendant of his voucher, Plea of Nontenure, Ioyntenancy fully administered, &c. & any other plea which arises upon matter hapning after the date of the first writ. And fifteen dayes haue bin held a conuenient time for the purchase of the new writ. See for this writ by Journies accounts, *Spencers case*, Cok. li. 6. fo. 9. b.

Ioynture.

Ioynture is an estate and assurance made to a woman in consideration of marriage, for term of her life, or otherwise, as is mentioned in the Statute of 27. Hen. 8. cap. 10. whether it be before or after the marriage: and if it be after the marriage, then she may at her liberty after the death of her husband refuse

to take or haue the lands so assured for her ioynture, and demand her dower at the common Law, but if it be made befoze marriage, then shee may not refuse such ioynture, nor haue dower according to the common Law, vnlesse that when shee bringeth her witt of dower the Defendant pleadeth such a plea that will not barre her of her dower, then she shall be endowed: As if he say in barre, that her husband was not seised of such estate whereof shee might be endowed, or any such plea, and doth not shew that shee hath a ioynture made, &c. and therfoze demandeth iudgement of that action or iudgement, if she shall be also endowed, or any such like plea, &c. And this was the opinion of the right worshipfull Maister Brograue at his Reading in Graces Inne in Summer, an. 1567. 18.El. vpon a branch of the Statute made 27.H 8.cap.10.concerning ioyntures and dowers.

And by him of those things whereof a woman may bee endowed. shee may haue ioynture, as of Mines, Vesturam terræ, woods, Townes, Isles, Meadows, and such like. Also of an Aduowson, of a Reuerſion depending vpon an estate for life, of a windmill, an high Chamber, a Rectory, and such other, and they are called tenements. Also of a Villaine, for hee is an hereditament; and of all these

de prender ou auer les fres ilsint assure pur sa ioynture, & demaund sa dower a le common Ley; mes si il soit fait deuant mariage, donque el ne poet refuse tiel ioynture, ne auer dower accordant al common Ley, si non que quant el port sa Brieſe de dower, le Defendant pleade tiel plea que ne voyle luy barrer de sa dower, donques el serra endowe: Sicome il dit en Barre, que sa baron ne fuit seisie de tiel estate de que el doit este endowe, ou ascun tiel plee, & ne monstre que el ad vn ioynture fait, &c. & pur ceo demaund iudgement de ccl action ou iudgement, si el serra auxy endow ou ascun tiel semblable plee, &c. Et ceo fuit l'opinion de le droit worshipful Monsieur Brograue al son lecture en Graces Inne en Summer, An. 1567. 18.El. sur vn branch del Statute fait An. 27. H. 8. cap. 10. concernant ioyntures & dowers.

Et p luy de ceux choses de que vn feme poit este endowe, el poit auer vn ioynture, come de Mines, Vesturam terre, Boys, Villes, Isles, Meadows, & tiels semblables. Item d'un Aduowson, d'un Reuerſion dependant sur vn estate pur vie, d'un Windmil, vn hault chamber, vn Rectory, & tiels autres, & ils sont appels tenements. Item d'un Villein, car il est hereditament: & de tous ceux

The Exposition of

profit poyt veñ al feme. Mes de ceux choses de que nul profit poit venger, mes pl^r tost vn charge, vn ioynture ne poyt estre fait. Veies pur c^t matter *Co.li.4.fo.1.Vernons case.*

profit may come to the woman. But of those things whereof no profit will come, but rather a charge, a ioynture cannot be made. See *Cok.lib.4.fo.1.Vernons case.*

Iuris vtrum.

Iuris vtrum.

Iuris vtrum est vn Briefe que gist pur le successor Incumbent dun Benefice pur recouer les terres ou tenements appartenants al Esglise, que fueront aliens p son predecessor. Et veies de ceo *Fitzh.N.B.fol.48.R.& veies aps tit.Vtrum.*

Iuris vtrum is a writ that lies for the succeeding Incumbent of a Benefice to recouer the lands or tenements belonging to the Church, which were aliened by his predecessor. And see of this *Fitzh.N.B.fol.48.R.* and see after in the title *Vtrum.*

Iusticies.

Iusticies.

Iusticies est vn Briefe que est direct al Viscount pur l' dispatch del iustice en aucuns special cases e son County Court, des queux il ne poit p son ordinarie poier tener plea la. Et de ceo poies veier presidents en *Fitzh.N.B.fo.117.C.* en Account, & *fo.152.B.* en Annuity, & *fo.119.G.* en Det, & plusors auters. Et est appel vn *iusticies*, pur ceo que est vn cōmission al Viscount ad iustificandum aliquem, & ne require aucun returne ou certificate de ceo que il ad fait.

Iusticies is a writ which is directed to the Sherife for the dispatch of iustice in some special cases in his County Court, of which he cannot by his ordinary power hold plea there. And of this you may see presidents in *Fitzh.N.B. fol.117.C.* in Account, and *fol.152.B.* in Annuity, and *fol.119.G.* in Debt, and many others. And it is called a *Iusticies*, because it is a commission to the Sherife to do a man right, and it requires no returne or certificate of that that he hath done.

Iustice seat.

Iustice seat.

Iustice seat est le plus hault Court q est tenu en vn Forest, & est tous tēps tenu de-

Iustice seat is the highest Court that is held in a Forest, and it is alwayes held before

foze the Lord chiefe Justice in Eyre of the Forrest. And it is not held but vpon warning 40. dayes befoze. And there the iudgements are alwaies giuen, & the fines set for offences that were presented at the Courts of Attachments, and the offenders indicted at the Swanmotes. See concerning this Court Manw. For. Lawes, ca. 24. f. 238. b.

vane le Shīr chiefe Justice en Eyre del Forest. Et nest tenuz forsq; sur vn summons p 40. iours denant. Et la les iudgements sont tous foiz dones, & fines asselles par offences q; fueront presents as Courts dī Attachments, & les offenders indicts as Swanimotes. Veiez de cest Court *Manw. Forest Leyes, cap. 24. fo. 238. b.*

L.

Theft.

Theft is a wrongfull taking away of another mans goods, but not from his person, with a mind to steale the against his will whose goods they were.

And Theft is in two sorts, the one so called simply, and the other petit or little Theft.

The first is where the thing stolen exceeds the value of xii. d. and that is Felony.

The other (which is called little or petit Theft) is where the thing stolen doth not exceed the value of xii. d. and that is not felony.

Laches.

Laches or Laches is as some thinke an old French word that signifies slackness or negligence, & true it is that is the signification of it, as it appears in *29. Lxx. l. c. 403. & 726.*

L.

Larcenie.

Larcenie est vn tortio^s priuē d's biens d' vn aut hōe, mes nemy d' son pson, oue vn ment d' eux embl^e, encont^r son volunt q; biens ils fueront.

Et Larcenie est ē dux sorts, l'un issint appel simplem^t, & l'auter petit Larcenie.

Le prim^e est lou l' chose emblee exceda l' value de xii. d. & ceo est Larcenie.

Le aut^e (que est appel petit Larcenie) est lou le chose emblee ne exceda le value dē xii. d. & ceo nest Felonie.

Laches.

Laches ou Laches est cōe semble as aucuns vn viel pol Francois, q; signifie negligence, & voier est q; ceo est le signification d' l' pol; cōe appert en *M. Litt. se. 403. & 726.*

Ec 2^e

lud

Ion Laches del entrie nest riens fors q vn neglect en l' infant pur ent. Issint q moy sem- ble que poit estre vn vieux pa- rol Anglois. Et qsr nous dio- mus, Icy est Laches dentrie, est tant adire, come icy est lacke del entrie. Et vncore Ieo trone que (*Lascher*) en Fran- cois est laxare, & (*Lasche*) sig- nificat ignaum vel flaccidū: & pur ceo poit vener auxy d' l' Francois. Car Etymologies sont diuers, & plusors foits *ad placitum*.

Lagan.

Lagan est tiel parcel d's biens, cōe les Mariners en le peril del naufrage iectont hors del niefe, & pur ceo que ils scauoient que les biens sont ponde- rous, & voilont sinke, ils lient as eux vn boy ou corke, al in- tent que poient eux trouer & reauer. Si apres le niefe soit merge, ou autermt perish, ceux biens sont appels Lagan ou Ligan à *ligando*, & cy longemt cōe ils continue sur le mere, ils apperteinont al Admiral, mes s' ils sont iects sur le t're, adonq' ils sont appels wrecke, & ap- preinont a celuy que auoit le wrecke, come appiert en *Coke. li. 5. fo. 106.*

Lapse.

Lapse (*Lapsus*) est l' omis- sion del patron pur pre-

where Laches of entry is no- thing else but a neglect in the in- fant to enter. So that I thinke it may be an old English word. And when we say, There is La- ches of entry, it is as much as to say, There lache is of entry, or there is lacke of entry. And yet I finde that (*Lascher*) in French is to loyter, and (*Lasche*) signifies one that is idle or la- zye: and therefore it may also come from the French. For Etymologies are diuers, and ma- ny times *ad placitum*.

Lagan.

Lagan is such a parcell of goods as the Mariners in a danger of shipwreake cast out of the ship, and because they know they are heauie and will sinke, they fasten to them a boigh or corke, that so they may finde them, and haue them againe. If after the ship bee drowned, or otherwise perish, these goods are called Lagan or Ligan à *ligando*, and so long as they continue vpon the sea, they belong vnto the Admirall, but if they bee cast vpon the land, they are then called a wrecke, and belong to him that hath the wrecke, as it appeares in *Coke, lib. 5. fol. 106.*

Lapse.

Lapse (*Lapsus*) is the omis- sion of a patron to pre- sent

sent to a Church of his patronage within six moneths after an avoidance by death, or taking of another Benefice without qualification, or notice to him given of the resignation or deprivation of the present Incumbent, by which neglect title is given to the Ordinary to collate unto the said Church.

lenter al Esglise de son patronage deins six moys apres voydance per mort, ou prisel del auter Benefice sans qualification ou notice a luy done del resignation ou deprivation del present Incumbent, per que negle& title acrué al Ordinarie pur collater al dit esglise.

Lastage.

Lastage, that is, to be quit of a certaine custome exacted in faires & Markets, for carrying of things where a man wille.

Lastage.

Lastage, hoc est, quietum esse de quadam consuetudin' exacta in Nundin' & Mercat' p rebus cariandis vbi homo vult.

Latitat.

Latitat is a writ by which all men in personall actions are originally called into the Kings Bench to answer. And it is called a Latitat, because it is supposed by the Writ that the Defendant cannot be found in the County of Middlesex, as it appeares by the returne of the Sherife of that County, but that he lurks in another County, and therefore to the Sherife of that County is this Writ directed to apprehend him.

Latitat.

Latitat est vn Brieft per q' tous homes en personal actions sont originalmr appels en Banke le Roy de respondr. Et est appel vn Latitat, par c' q' est suppose p le Bre q' le Defendant ne poit estre troué en le Countie del Middlesex, cōe appiert p le retourne del Viscount d' ceo Countie, mes q' latitat en auter Countie. Et pur ceo al Viscount de ceo Countie est cest Brieft direct pur luy prender.

Law-day.

Law-day signifies a Leet or Sheriffes tourne, as it appeares by the Statute of 1.E.4. ca. 2 where the Sheriffes tourn is so called, and 9.H.7. fol. 21.b.

Law-day.

Law-day signifie vn Leet ou tourne del Visc' cōe appiert per lestatute 1.E.4.ca.2. lou le tourne le Viscount est issint appel, & 9.Henr.7. fol. 21.b.

The Exposition of

& plusieurs autres liirs lou vn
Leet est issint appel: Veies
Smith de Repub. Anglorum,
lib. 2. cap. 21.

and many other bookes where
a Leet is so called: See
Smiths Common-wealth, lib. 2.
cap. 21.

Leases.

Leases sont graunts ou de-
mises per vn que ad ascun
estare en hereditaments, & ceux
hereditaments al aut pur meind
temps, & c' sont en dius man-
ners, cestascavoir, pur term d'
vie, pur tme d'ans, pur terme
d'aut vie, & a volunt.

Auxy vn lease d'fre e auxy
bone sans fait, come p fait.

Mes en vn lease pur tme de
vie, il couient de don liue &
seisin sur le terre, ou auter-
ment riens passera p l' grant,
pur ceo que ils sont appellees
frankenements.

Auxy vn lease de vn Com-
mon ou rent ne poit este bone
sans fait.

Mes de vn Parsonage q ad
glebe, il est bone sans fait, pur
ceo que le glebe de l' Eglise q
est l' principal, poit assers bien
passer sans fait, & issint les
dismes & offerings q sont coe
accessorie al Eglise.

Mes dismes & offerings per
soy, ne poient este leches sans
fait, vt dicitur.

Leet.

Leeet est vn Court desine
hors d' l' turne l' Viscount,
& inquire des tous offences

Leases.

Leases be grants or demises
by one that hath any estate
in any hereditaments, of those
hereditaments to another for a
lesser time, and they be in diuers
manners, viz. for terme of life,
for terme of yeeres, for terme of
another's life, and at will.

Also a lease of land is as good
without deed as with deed.

But in a lease for terme of
life, it becometh to give livery
and seisin upon the land, or else
nothing shall passe by the grant,
because that they be called free-
holds.

Also a lease of a Common
or rent may not be good with-
out deed.

But of a Parsonage that hath
glebe it is good without deed, for
that the glebe of the Church,
which is the principall, may well
enough passe without deed, & so
the dismes & offerings which be
as necessary to the Church.

But dismes and offerings by
himselfe may not be let without
deed, as it is said.

Leet.

Leeet is a Court deuied out
of the Sherriffes turne,
and inquires of all offences
under

under the degree of high treason that are committed against the crowne and dignity of the King. But those offences which are to bee punished with losse of life or member, are onely inquirable there, and to be certified o-
ner to the Iustices of Assise. See Stat. 1. E. 3. cap. 17.

louth le degree de hault treason q̄x sont cōmises encouñt le corone & dignitie le Roy. Mes ceux offences queux sont punies per perde de vie ou member, sont solement inquirables la, & destre certifies ouster as Iustices del Assise. Veies Stat. 1. E. 3. ca. 17.

Legacie.

Legacie (Legatū) is a terme of the ciuill law, & it is that that wee in our Law call a Deuise, viz. lands or goods giuen vnto any man by the will or testament of another. See more tit. Deuise before.

Legacie.

Legacie (Legatū) est vn tme del ciuill ley, & est ceo que nous en nostre Ley appellom^s vn Deuise, viz. t̄res ou biens done al asc^r p le volunt ou testament dun aut. Veies plus tit. Deuise deuant.

Lessor and Lessee.

Lessor is he that letteth lands or tenements to another for terme of life, yeeres, or at will: And hee to whom the lease is made, is called Lessee.

Lessor & Lessee.

Lessor est celuy que lessa terres ou tenements al aut pur terme de vie, ans, ou a volunt: Et celuy a que le lease est fait, est appel Lessee.

Leuant and Couchant.

Leuant and Couchant is said when the beasts or cattell of a stranger are come into another mans ground, and there haue remained a certaine good space of time.

Leuant & Couchant.

Leuant & Couchant est dit quant les beasts ou cattell d'un estranger sont venue en le terre d'un auter home, & la ont remaine vn certaine bone space de temps.

Leuari facias.

Leuari facias is a writ directed to the Shyreffe for the leuying of a summe of money vpon

Leuari facias.

Leuari facias est vn B̄re direct al Viscount pur le leuier dun sūm des deniers sur
E c 4

The Exposition of

les terres, tenements, & chat-
tels cestuy que ad forseit vn
Recognisance. *Veies Fitz. N. B.*
fol. 265. D.

the lands, tenements, and chat-
tels of him that hath forfeited
a Recognisance. *See Fitz. N. B.*
fol. 265. D.

Ley.

Ley est quant action de det
Lest port vers vn sur ascun
secret agreement ou contract
ew perenter les parties sans
especialtie monstre, ou autre
matter de record, come en vn
action de Detinue pur ascuns
biens ou chattels accommoda
ou relinq oue le Defendaunt,
donqs le Defendant poit ga-
ger son Ley, sil voile, cestaf-
cauoire, de iurer sur vn lieu,
& certaine psons oue luy, que
il ne detainne les biens, ou doit
riens al Plainf, en manner &
forme come il ad declare.

Et cest allowe seulement en
cases de secrecie, ou le Plain-
tise ne poit prouer le surmise
de son suie per ascun fait, ou
ouert action le Defendaunt
poit ceo discharge secretment
perenter eux, sans ascun escript
de acquittance ou publiq act.
Et pur ceo en action de dette
sur vn lease pur terme de ans,
ou sur arrerages de accompt
deuant Auditors assign, home
ne gagera son Ley.

Mes quant vn gagera son
Ley, il amenera ouesq luy 6.
8. ou 12. de ses vicins, come
le Court luy assignera, de iu-
rer ouesque luy, mult semble
al serement que eux fesoient

Law.

Law is when an action of
debt is brought against one
upon some secret agreement or
contract had between the par-
ties without specialty shewed,
or other matter of record, as in
an action of Detinue for some
goods or chattels lent or left with
the Defendant, then the De-
fendant may wage his Law, if
he will, that is to say, to swear
upon a booke, and certaine per-
sons with him, that he detaineth
not the goods, or oweth nothing
to the Plaintiffe, in manner and
forme as he hath declared.

And it is allowed only in cases
of secrecy, where the Plaintiffe
cannot prove the surmise of his
suit by any deed or open act: for
the Defendant might discharge
it privately between them without
any writing of acquittance or
publick act. And therefore in an
action of debt upon a lease for
term of yeeres, or upon arre-
rages of accompt before Audi-
tors assigned, a man shall not
wage his Law.

But when one shall wage his
Law, he shall bring with him vi.
viii or xii. of his neighbours,
as the Court shall assigne him,
to swear with him, much like
vnto the oath which they make

which are vsed in the ciuill Law, to purge others of any crime laid against them, which are called compurgators.

Note that the offer to make the oath is called wager of Law, and when it is accomplished, then is it called the doing of your Law.

And also if the Sheriffe in any action returns that hee hath summoned the Defendaunt to appeare in Court at any day to answer the Plaintiffe, at which day he maketh default. Proccesse shall be awarded against him to come and saue, or excuse his default: which is as much to say, as to excuse the delay, or otherwise to lose the thing demanded: and then the Defendaunt cometh and will sweare that he was not summoned, which is called waging of Law, then hee ought to doe it at the day assigned with all others: And in doing of his Law he ought upon his oath to affirme directly the contrary of that which is imputed to him: But the others shall not say, but that they think that he saith the truth.

Libell.

Libell (Libellus) is a terme of the ciuill Law, and signifies with them the originall declaration in any action, and so it is vsed in the Statutes of 2.H.5.ca.3. & 2.E.6.c.13. And an infamous libel signifies properly

que sont vses en le ciuill Ley, de purger auters de asc' crime al eux impute, que sont appel compurgators.

Nota que l' offer de faire le serement est appel le gager del Ley, & quant il est accompli, donques est appel le fe sans del Ley.

Et auxy si le Viscount en ascun action retourne que il eit summon le Defendaunt & appeare en Court a ascun iour a respond le Plaintiffe, a quel iour il fait default, Proccesse sera agard vers luy de vener & saue, ou excuse son default: que est a tant adire, come a purgare moram, ou autrement de pder le chose demaund: Et donques le Defendaunt vient & voiet iure que il ne fuit summon, que est appel gager de Ley, donques il doit ceo faire al iour assigne oue xii. auters: Et en fclant del Ley il doit sur son serement affirmer directement al contrarie de ceo que est impute a luy, mes les auters ne dirra, mes que eux entende que il dit le veritie.

*Libel. So. Baron in his Writ
the Libel is defined
by which it is a declaration*

Libel (Libellus) est vn terme del ciuill Ley, & oue eux signifie l' original declaration en ascun action, & illinc est vse en lestatutes 2.Hen.5. cap.3. & 2.E.6.cap.13. Et famosus libellus signifie p pme

The Exposition of

en nostre Ley vn scandalo' report d' l' aſc' home illoyalment publye en eſcript. Veies d' ceo *Cok.lib. 5. fo. 125.a.*

in our Law a scandalous report of any man unlawfully published in writing. See of that *Cok.lib. 5. fol. 125.a.*

Liberate.

Liberate est vn Garrant ifſuant hors del Chancerie al Treasurer, Chamberlaines, & Barons del Eſchequer, ou Clerke del Hamper, &c. pur le payment d' aſcun annual penſion, ou auter ſomme grauntus ſouth le grand Seale, *Regiſt. Orig. 193.* Ou aſcun foits al Viſcount, &c. *F.N.B. fo. 132.* pur le deliuerie d' terres ou biens priſe ſur forfeiture d' un Recogniſance, *Fit. N.B. 131. 132. Cok.lib. 5. Fulwoods caſe, fol 64. 66. 67.* Il eſt auxy a vn Gaoler del Juſtices pur le deliuerie d' un priſoner q' admitta eins baile pur ſon appearance.

Libertate probanda.

Libertate probanda, viâ de Lcco en le title de *Natiuo habendo.*

Ligeance.

Ligeance est vn voir & loy- al obediëce d' l' ſubieſt due a ion Soueraigne ; & ceſt ligeance, que est vn incident inſeperable a cheſc' ſubieſt eſt en quat' manners : le primer est natural, le ſecond acquirus, le tierce local, & le quart legal :

Liberate.

Liberate is a warrant iſſuing out of the Chaucery to the Treasurer, Chamberlaines, and Barons of the Exchequer, or Clerke of the Hamper, &c. for the payment of any yearly penſion, or other ſomme graunted vnder the great Seale, *Regiſt. Orig. 193.* Sometimes to the Shyreſe, &c. *Fitz. N.B. fol. 132.* for the deliuey of lands or goods taken vpon forfeiture of a Recognizance, *F.N.B. 131. 132. Cok.lib. 4. Fulwoods caſe, fo. 64. 66. 67.* It is alſo to a Gaoler from the Juſtices for the deliuey of a priſoner that hath put in baile for his appearance.

Libertate probanda.

Libertate probanda, looke for that in the title of *Natiuo habendo.*

Ligeance.

Ligeance is a true & faithfull obedience of the ſubieſt due to his Soueraigne ; and this ligeance, which is an incident inſeperable to every ſubieſt is in foure manners : the firſt is naturall, the ſecond acquired, the thirde locall, & the fourth legal :

Of all which you may reade
much excellent learning in Cok.
lib.7. Caluins case.

De tous qux vous poies lier
mult bone erudition en Coke,
lib.7. Caluins case.

Limitation.

Limitation is an assignement
of a space of time, within
which hee that will sue for any
lands or hereditaments, ought
to proue, that he or his ancestoz
was seised of the thing deman-
ded, or otherwise hee shall not
maintain his suit or actiō, which
assignments be made by diuers
Statutes, whereof the last was
Anno 3 2.H.8. cap. 2.

Liuerie of seisin.

Liuerie of seisin is a ceremony
used in conueyance of lands
or tenements, where an estate
in fee simple, fee taile, or a free-
hold shall passe: And it is a tes-
timoniall of the willing depar-
ting by him who makes the li-
uery from the thing whereof li-
uery is made: And the receiuing
of the liuery is a willing accep-
tance by the other party, of all
that whereof the other hath dis-
missed himselfe: And was in-
uented as an open and noto-
rious thing, by meanes whereof
the common people might haue
knowledge of the passing or al-
teration of estates from man to
man, that thereby they might be
the better able to try in whom
the right and possession of lands
and tenements were, if they

Limitation.

Limitation est vn assignme-
nt d' space ou temps, deins
quel cesty q̄ voit' fuer p̄ ascuns
terres ou hereditaments, doit pr-
uer que il ou son auncetour
fuit seisie del chose demand,
ou autrement ne maintiendra
son suit ou action, quel as-
signments sont faits per di-
uers Statutes, d' arreinement 3
2.H.8. cap. 2.

Liuerie de seisin.

Liuerie de seisin est vn ce-
remonie vse en conuey-
ance de terres ou tenements,
lou vn estate en fee simple, fee
taile, ou vn franktenement pas-
sera: Et il est vn testmoigne
de le voluntarie departing per
luy q̄ fait le liuerie del chose
de que le liuerie est fait: Et le
resceit del liuerie est vn vo-
luntarie acceptance per l' au-
ter partie, de tout ceo de que
auter ad luy dismissé, Et fait
inuent come vn ouert & no-
torious chose, per meanes de
que le common people poyent
auer intelligence de passing ou
alteration de estates de hōe al
home, que per ceo ils poyent
estre le meliour able pur trier
en que le droit & possession
de fies & tenemens fueront, ils

The Exposition of

doient estre empanel en Iures, ou autrement ont a faire concernant ceo.

Le common manner de liuerie de seisin est en cest sort fait : Si il soit en l' ouert champ ou ne sont edifices, ou meason, donques vn que poit lyer, prist le fait en son maine, si lestare passera per fait, & declara al euz, que la font le cause de lour vener la ensemble, & donques ouertement lya le fait, ou declare l' effect de ceo en Anglois, & apres que il est seale, le par-
te que est a departer oue le terre, prist le fait en sa maines ensemble ouesque vn clod del terre, & vn twigge ou bough, sil y ad ascun la, & tout ceo il deliuer al autre partie en le nosme de possession ou seisin, accordaunt al forme & effect del fait, que deuant euz fuit la lye ou declare. Mes sil soit vn habitation ou edifice sur le terre, donques ceo est fait la a doore de ceo, nul esteaunt relinquish a cest temps deins le meason, & le partie deliuer tout les quantdits, ensemble ouesque l' annuel de le doore en nosme de seisin ou possession, & il que receiua le liuerie entra primes sole, & shutta le doore, & presentment ouert ceo, & lessa euz eins, &c. sil soit de vn meason a que est nul terre, le liuerie est fait, & possession prise

should bee impanelled in Iuries, or otherwise haue to doe concerning the same.

The common manner of deliuerie of seisin is after this sort done : If it bee in the open field where is no building or house, then one that can reade taketh the writing in his hand, if the estate shall passe by deed, and declareth to the standers by the cause of their meeting there together, &c. and then openly readeth the deed, or declareth the effect thereof in English, and after that is sealed, the party who is to depart from the ground, taketh the deed in his hands together with a clod of the earth, and a twigge or bough, if any bee there, and all this he deliuereth to the other party in the name of possession or seisin, according to the forme and effect of the deed, which befoze them was there read or declared. But if there be a dwelling house or building upon the land, then this is done there at the doore of the same, none being left at that time within the house, and the partie deliuereth all the aforesaid, together with the ring of the doore in the name of seisin or possession, and he that receiveth the liuerie entreteth in first alone, & shutteth too the doore, & presently openeth it again and letteth them in, &c. If it bee a house whereto is no land or ground, the liuerie is made, and possession taken by

by the deliuey of the ring of the doze, and deed onely. And where it is without deed, either of lands or tenements, there the party declareth by word of mouth befoze witness, the estate that hee meaneth to depart with, and then deliue-
 reth seisin or possession, in manner as is aforesaid: And so the land or tenement doth passe as well where there is no deed, as by deed, and that by force of the liuerie of seisin: It was agreed in *Grates Inne* by the right worshipfull Master *Snagge*, at his Reading there in Summer, Anno 1574. That if a feoffor deliuer the deed in view of the land, in name of seisin, that is good, because that he hath a possession in himselfe. But otherwise it is of an Attorney, for hee must goe to the land, and take possession himself, befoze that he can giue possession to another, according to the words of his warrant, &c. And where liuerie of seisin is by view, if the feoffee doe not enter after, &c. nothing passeth, for he ought to enter in deed.

Lollards.

Lollards were Dogmatists in Religion in the times of E.3. & H.5. which as those times were they then reputed Hereticks, as appeares by the Statutes in 5.R.2.c.5. & 2.H.5.ca.7. which Statutes you shall find

per le deliuerie del annuel de le doore, & fait solement. Et lou il est sans fait de terres ou tenements, la le partie declare per parol deuant tesmoins, l'estate ouesque il entende de departer, & donques deliuer seisin ou possession, en manner come est auantdit: Et issint le terre ou tenement passera cybien lou il nad fait, come p fait, & ceo per force de liuerie de seisin: Il fuit agree en Graies Inne per le droit Worshipful Master *Snagge*, al son Lecture la en Summer, Anno 1574. Que si vn feoffor deliuer la fait en view del terre, en nosme de seisin, que il est bone, pur ceo que il ad vn possession en luy mesme. Mes autrement est d'un Attorney, car il doit aler al terre, & prise possession luy mesme, d'uant que il poit doner possession al auter, accordaunt al parols de son Garrant, &c. Et lou liuerie de seisin est per le view, si le feoffee ne entra pas puis, &c. nul chose passa, car il doit enter en fait.

Lollards.

Lollards fueront Dogmatists en Religion en le temps E.3. & H.5. q cõe l' Religion d' ceux iours fuit fueront reputes Heretiqs, cõe appiert per lestat. en 5.R.2.ca.5. & 2.H.5.ca.7. que x Stat. vous troueres repeales

repeales en 1.E.6.cap.12. & 1.
El.ca.1. Et ceux Lollards anoy-
ent leur denomination (come
ascuns pensoient d'l vn *Gualter*
Lolhard vn Germanois, qui
vixit circa an. Dom. 1315. &
fuit l' prim author d' cest sect.

repealed in 1.E.6.cap.12. & 1.E.1.
cap.1. And these Lollards had
their name (as some thynk) from
one *Gualter Lolhard* a Ger-
man, who lived about the yere
1315. and was the first author
of this sect.

Lothervit.

Lothervit.

Lo~~ther~~vit, hoc est, quod ca-
piatis emendas ab ipso qui
corrumpit vestram nativam si-
ne licentia vestra.

Lo~~ther~~vit, that is, that you
may take amends of him
which doth defile your bonds-
woman without your licence.

Lushborow.

Lushburgh.

Lush~~borow~~ fuit vn counter-
feit coine en le temps E.3.
que fuit fait ouster le mere en
similitud' d's deniers Anglois,
& port eins pur deceiuer le
Roy & ses subiects. Et pur ceo
est declare destre treason per
lestatute 25.E.3. stat.5. cap.2.
pur aucun home de ceo porter
deins le Realme sil scauoit que
est faux.

Lush~~burgh~~ was a counter-
feit coine in the time of E.3.
that was made beyond the seas
in likeness of English monies,
and brought in to deceiue the
King and his subiects. And
therefore it is declared to bee
treason by the Stat. of 25.E.3.
stat.5.ca.2. for any man to bring
it into the Realme knowing it
to be false.

M.

M.

Maihim ou Maim.

Maihim or Maim.

Maih~~im~~ est lou p' l' tor-
tious act d' auē, aucun
member est dampnific
ou tolle, per que le partie il-
sint dampnific est fait imper-
fect a combat : Come si vn
osse soit prise hors d'l test : Ou

Maih~~im~~ is where by the
wrongfull act of ano-
ther, any member is
hurt or taken away, whereby
the party so hurt is made im-
perfect to fight : As if a bone
bee taken out of the head : Or
a bone

a bone be broken in any other part of the body, or foot, or hand, or finger, or ioynt of a foot, or any member be cut: or by some wound the sinewes bee made to shrinke, or other member, or the fingers made crooked, or if any eye be put out, or the fore-teeth broken, or any other thing hurt in a mans body, by meanes whereof he is made the lesse able to defend himselfe, or offend his enemy.

But the cutting off of an eare or nose, or breaking of the hinder teeth, or such like, is no *Maihem*, because it is rather a deformity of body than diminishing of strength, and that is commonly tried by beholding the party by the Justices. And if the Justices stand in doubt whether the hurt be a *Maihem* or not, they use and will of their owne discretion take the helpe and opinion of some skilfull Chirurgeon, to consider thereof before they determine upon the cause.

Mainprise.

Mainprise is when a man is arrested by *Capias*, then the Judge may deliver his body to certaine men for to keep, and to bring him before him at a certaine day, and these bee called *Mainpernours*, and if the party appeare not at the day assigned, the *Mainpernours* shall bee amerced.

vn osse soit d'bruisse e asc' auf part del corps, ou vn pee, ou maine, ou digit, ou ioynt d'un pee, ou asc' member soit scy: ou p asc' plage les nerues sont fait d' shrinker, ou auf member, ou les digits fait curue, ou si vn oyle soit mise hors, ou les anterior dents d'bruisse, ou asc' auf chose en l' corps dun hōc, p reason d' quel il est fait le meines able pur defender luy mesme, ou offend son enemy.

Mes le scire d' vn orial ou nase, ou lenfrieder del dents moliers, ou tiels semblables, nest asc' *Maihem*, pur ceo q il est plus vn deformitie de le corps, q vn defect d' l strength, & ceo est communement try p l' inspection del partie per les Iustices. Et si les Iustices sont en doubt si le damage soit vn *Maihem*, ou nemy, ils vse, & voylent de leur grand discretion prendr l' ayde & opinion de ascun credite Surgeon, pur consider de ceo deuant que ils determine sur le case.

Mainprise.

Mainprise est quant vn hōc est arrest p *Capias*, donq les Iudges poient deliuer son corps a certain homes pur garder, & de luy amesner deuant eux a certaine iour, & eux sont appellees *Mainpernours*, & si le partie ne appeare al iour assigne, l' *Mainpernours* seront amerce.

Mannor.

Mannor.

Mannor est vn chose compound d̄ diuers choses, cōe de vn meason, fre errable, pasture, pree, boys, rent, aduowson, Court Baron, & uels semblables, q̄x sont vn Mannor. Et ceo doit este p̄ antient continuance d̄ temps, cuius contrarium memoria hominum non existat: car a ceo iour vn Mannor ne poit este fait, pur ceo q̄ vn Court Baron ne poit este fait ore, & vn Mannor ne poit este sans vn Court Baron, & suiters ou franktenants, deux al meins, car si tous les franktenements forsque vn escheate al Seignior, ou fil purchase tous preter vn, la son Mannor est ale, pur ceo que il ne poit estre vn Mannor sans vn Court Baron (come auant dit.) Et vn Court Baron ne poit este tenu mes deuaunt suiters, & nemy deuaunt vn suiter, & ideo lou forsque vn franktenement ou franktenant est, la ne poit este Mannor properment, coment en common parlant ceo poit esti apppel vn Mannor.

Mandamus.

Mandamus est vn Briefe que issist al Escheator p̄ le trouer dun office apres le mort dun q̄ morust Tenant le Roy, & est tant vn oue le

Mannour.

Mannour is a thing compounded of diuers things, as of a house, land arable, pasture, meadow, wood, rent, aduowson, Court Baron, and such like, which make a Mannour. And this ought to be by long continuance of time, to the contrary whereof mans memory cannot discern: for at this day a Mannour cannot bee made, because a Court Baron cannot now bee made, and a Mannour cannot bee without a Court Baron, and suiters or freeholders, two at the least, for if all the freeholds except one escheat to the Lord, or if hee purchase all except one, there his Mannour is gone, for that it cannot be a Mannour without a Court Baron (as is aforesaid.) And a Court Baron cannot bee holden but before suiters, and not before one suiter, and therefore where but one freehold or freeholder is, there cannot bee a Mannour properly, although in common speech it may bee called a Mannour.

Mandamus.

Mandamus is a writ that goes to the Escheator for the finding of an office after the death of one that died the Kings Tenant, & it is all one with the writ

Writ of *Diem clausit extremum*, but that the *Diem clausit extremum* goes out within the yeere after the death, and the *Mandamus* goes not out till after the yeere, and in case where there was neuer any *Diem clausit extremum* sued out, or was not sued out with effect. And see of this Fitzh. N. B. 253. B. C.

Mansion.

Mansion (*Mansio*) is in our Law most sounly taken for the chiefe messuage or habitation of the Lord of a Mannor, the Mannor house where hee doth most remaine, or continue his capitall messuage, as it is called: Of which the writte by the Statute of Mag. Chart. cap. 7. shall haue her Quarentine.

Manucaprio.

Manucaprio is a writ that lies for him that is arrested or indicted of felony, and offers sufficient sureties for his appearance. And the Justice, or hee whom it concerns, shall not suffer him to be bailed; then hee shall have this writ to command them to let him to be bailed. And see of this Fitzh. N. B. fol. 249. G.

Briefe de *Diem clausit extremum*, sicut q. la Bise de *Diem clausit extremum*, issuist deins l'an apres le mort, & le *Mandamus* ne issuist tanque apres l'an, & en case loui ne fust ascun *Diem clausit extremum* sue hors, ou al meins nient sue cum effectu. Et veies de ceo Fitzh. N. B. fo. 253. B. C.

Mansion.

Mansion (*Mansio*) est en nostre Ley plus vsualmente prise pur le chiefe messuage ou habitation del Seignior dun Mannor, le meise del Mannor en que il pluistost remaine & continue capitale messuagium, come est appel, de que le feme per le Statute de Mag. Chart. cap. 7. auera sa Quarentine.

Manucaprio.

Manucaprio est vn Briefe q. gist pur cestuy que est arreste ou indite de felonie, & offer suffisient sureties pur son appearance, mes le Viscount, ou cestuy que concerne, ne voit luy admit destre baile; donque il auera cest Briefe eux mandant de luy lesser a mainprise. Et veies de ceo Fitzh. N. B. fo. 249. G.

Manumission.

Manumission est le fessans d'un que est vilain de estre franke, & puit estre en deux sorts, le vn est vn Manumission explicita, l'autre vn Manumission implicita.

Manumission explicita est quant le Seignieur fait vn fait al son Villeine pur luy enfranchiser per cest parol (*Manumittere*) quod idem est quod extra manum, vel extra potestatem alterius ponere.

Le manner de Manumitting ou enfranchising en temps passé plus vsuellement fuit issint: Le Seignieur (en presence de ses vicines) prist le villeine per le test disant, Ieo voile que cest home soit franke, & oue ceo il luy mise auant hors de ses maines, & pur ceo il fuit franke sans aucun plus faire.

Manumission implicita sans cest parol (*Manumittere*) est quant le Seignieur fait vn obligation a son villeine a payer a luy money al vn certain iour, ou luy sue lou il poit entrer sans suit, ou grant al son vilain vn annuite, ou lessa terre a luy per fait pur ans, ou pur vie, & en diuers tiels semblables cases, le villeine per ceo est fait franke.

Manumission.

Manumission is the making of a bondman to be a freeman, and may be in two sorts, the one is Manumission expressed; the other a Manumission implied or secret.

Manumission expressed is where the Lord maketh a deed to his Villeine to enfranchise him by this word (*Manumittere*) which is as much to say, as to let one goe out of another mans hands or owner.

The manner of Manumitting or Infranchising in old time most usually was thus: The Lord (in presence of his neighbours) took the bondman by the head, saying, I will that this man be free, and therewith shewed him forward out of his hand, and by this hee was free without more ado.

Manumission implied without this word (*Manumittere*) is when the Lord maketh an obligation to his villeine to pay him money at a certain day, or sueh him where hee might enter without suit, or granteth unto his villeine an annuity, or leaseh land to him by deed for years, or for life, and in diuers such like cases, the villeine thereby is made free.

Marches.

Marches. *Marches* sont les limites entre nous & Gales, ou Escose, sans appels ou del parol Germanois (*March*) que signifie Limitem, ou del parol Francoiis (*Marqz*) cest à dire, vn signe del distinction, ceux entre le notoriours distinction de deux diuers regions. De ceux poies lier en lestatutes de 4.H.4. cap.7. 22.E.4. cap.8. 24.H.8. cap.9. & auters.

Marchers.

M Archers sont les noble men dwelling on the Marches of Wales or Scotland, who in times past had their priuileges, as if they had bin Kinges, and therefore in the Statutes of 2.H.4. cap.18. 26.H.8. cap.6. 20.H.8. cap.6. and 1.E.6. ca.103 they are called Marchers.

M Arshall le general *Marshall* est vn general pour tous Officiers en Angleterre, & de le Sdr ou Count Marshall, de q mention est faic en lestatutes de 13.R.2. cap.2. and 1.H.4. cap.7. and 14. The Marshall of the R. house. Of whom you may reade 1.H.4. N.B. 10. & 1.H.4. in the Stat. of Antichap. Chant. 1. 18.E.1. & 20.E.1. & 21.E.1. & 22.E.1. & 23.E.1. & 24.E.1. & 25.E.1. & 26.E.1. & 27.E.1. & 28.E.1. & 29.E.1. & 30.E.1. & 31.E.1. & 32.E.1. & 33.E.1. & 34.E.1. & 35.E.1. & 36.E.1. & 37.E.1. & 38.E.1. & 39.E.1. & 40.E.1. & 41.E.1. & 42.E.1. & 43.E.1. & 44.E.1. & 45.E.1. & 46.E.1. & 47.E.1. & 48.E.1. & 49.E.1. & 50.E.1. & 51.E.1. & 52.E.1. & 53.E.1. & 54.E.1. & 55.E.1. & 56.E.1. & 57.E.1. & 58.E.1. & 59.E.1. & 60.E.1. & 61.E.1. & 62.E.1. & 63.E.1. & 64.E.1. & 65.E.1. & 66.E.1. & 67.E.1. & 68.E.1. & 69.E.1. & 70.E.1. & 71.E.1. & 72.E.1. & 73.E.1. & 74.E.1. & 75.E.1. & 76.E.1. & 77.E.1. & 78.E.1. & 79.E.1. & 80.E.1. & 81.E.1. & 82.E.1. & 83.E.1. & 84.E.1. & 85.E.1. & 86.E.1. & 87.E.1. & 88.E.1. & 89.E.1. & 90.E.1. & 91.E.1. & 92.E.1. & 93.E.1. & 94.E.1. & 95.E.1. & 96.E.1. & 97.E.1. & 98.E.1. & 99.E.1. & 100.E.1.

Marches. *Marches* sont les limites entre nous & Gales, ou Escose, sans appels ou del parol Germanois (*March*) que signifie Limitem, ou del parol Francoiis (*Marqz*) cest à dire, vn signe del distinction, ceux entre le notoriours distinction de deux diuers regions. De ceux poies lier en lestatutes de 4.H.4. cap.7. 22.E.4. cap.8. 24.H.8. cap.9. & auters.

Marchers.

M Archers sont les noble homes inhabitans sur les Marches de Gales & Escose, & en temps deuant auoyent leurs priuileges, sicome fuissent Royes, & par ces en lestatutes de 2.H.4. cap.18. 26.H.8. ca.6. 20.H.8. ca.6. & 1.E.6. ca.103 sont appels Seigniors Marchiers.

Marshall.

M Arshal est vn general pour tous Officiers en Angleterre, & de le Sdr ou Count Marshall, de q mention est faic en lestatutes de 13.R.2. ca.7. & 1.H.4. cap.7. & 14. Le Marshall del hostel le Roy. De que poies lier en F. 1. N. B. 10. 24. 1. B. & en lestat. de Artis. super Chart. ca. 2. 18. E. 1. ca. 2. 2. H. 4. ca. 7. 22. E. 4. ca. 8. 24. H. 8. ca. 9. & auters.

Sont auxy autres inferiour
Marshalls mentionnez en nostre
liuers, come le Marshall de
Banke le Roy en lestatut
5. E. 3. cap. 8. & en Fitzh. N. B.
fo. 251. l. que avoir le custodie
des tous les prisoners de ceo
Court. Et le Marshall d'Ex-
chequer mention en lestatut
de 5. H. 3. stat. 5. appel le Statu-
tute del Eschequer. Et pur la
signification del parol Marsh-
shall est vn parol Francois; &
est tant adire come Magister
equitum: car semble q' venist
de parol Germanois (*Mar-
schalk*) q' ad ceo signification.

Marshalsea.

Marshalsea est le Court ou
Seat del Marshall del ho-
tell le Roy, de que poies lier
alarge en *Co. li. 6. fo. 20. B.*
& *li. 10. fo. 68. B.* Est auxy
prise pur le prison preinant al
Court del Banke le Roy, de q'
le Marshall de ceo Court est
le gardian: car issint sont les
formes des Billala, que A-
queritur de B. in custodia Ma-
rescalli. Mariscalci: Domini
Regis, &c.

Maugre.

Maugre est vn parol com-
pound des deux parols
Francois (*Mal*) & (*Gree*) is-
sint q' est tant adire eue inuisi-

There are also other inferiour
Marshalls mentioned in our
bookes, as the Marshall of the
Kings Bench in the Statute
of 5. E. 3. cap. 8. and Fitzh. N. B.
fo. 251. l. who hath the custody
of all the prisoners of that
Court. And the Marshall of
the Exchequer mentioned in
the Stat. of 5. H. 3. stat. 5. called
the Stat. of the Exchequer. And
for the signification of the word
Marshall it is a french word, &
is as much to say as Master of
the horse: for it seems to come
of the German word (*Marischalk*)
which hath that signification.

Marshalsea.

Marshalsea is the Court or
Seat of the Marshall of the
Kings house, of which you may
reede at large in *Co. li. 6. f. 20. B.*
& *li. 10. f. 68. B.* It is also taken for
the prison belonging to the court
of the Kings Bench, of which
the Marshall of that Court is
the keeper: for so are the formes
of the Bills there, that com-
plaintes of B. in the custody of
the Marshall of the Marshalsea
of our Lord the King, &c.

Maugre.

Maugre is a word compound
of two french words (*Mal*)
and (*Gree*) so that it is as much
as to say, with an unwillling
mind,

mind, or in despite of another.
And so it is said in Littleton,
sect. 671. Where it is said that
the husband and wife shall be
remitted, & changed the husband,
that is to say, in despite of the
husband, or against the will of
the husband, or with the consent
of the husband.

Maximes.

Maximes be the foundations
of the Law, and the conclu-
sions of reason; and are causes
efficient, and certaine vniuersall
propositions so sure and perfect
that they may not be at any time
impeached, or impugned, but
ought alwaies to be observed,
and holden as strong principles
and authorities of themselves;
although they cannot be proved
by force of argument, or demon-
strations logical, but are known
by induction, by the way of sense
and memory. As for example, it
is a Maxime, that if a man have
issue two sonnes, & diuers wo-
men, and the one of them pur-
chase lands in fee, and death
withouth issue, the other brother
shall neuer be his heire, &c.

Also it is another Maxime,
that lands shall descend from the
father to the son, & not from
the son to the father; for that is
an induction, or a law, but is
such there be, & there is. See more
in the Doctor and Student.

animo, ou en despite dun
auter. Et, ainsi est vñ en
Littleton, sect. 672. ou est dit,
que le baron & femme serrount
remits Maugre le baron,
c'est a sauoir; en despite le
baron, ou contre le vol
lunt le baron, ou ou le male-
grace le baron.

Maximes.

Maximes sont les foundati-
ons del Ley, & les conclu-
sions de raison, & sont causes
efficient, & certaine vniuersall
propositions, si surs & perfect,
que ils ne point estre a aucun
temps impeach, ou impugne-
mes. doyenr tous. Soit este
observe, & tenuz cõ fort prin-
cipes, & authorities de luy
mesmes, vñ est obstant ils ne
point estre prouez p force d'ar-
gument, ou d'emonstration logi-
cal, mes sont connus p inducti-
on p le voy d' sense & memo-
rie: Cõc pur exemple, il est vn
Maxime, q si vn hom ad issue
dux fis, p dius venz, & le vn
deux purchasez lands in fee, &
morust sans issue, l'aut fis ne
vaques terra son heire &c.

Item il est vn aut Maxime,
que terres descendr deluy
a ses vnz nemy deluy a
pere, car ceo est vñ induction
&c. Et diuers autres semblables
il y ad, dont vñ plus en
le Doctor & Student.

Maynour.

Maynour est qnt vn laron ad-
embles, & est pürfure ou
Huy & Cule & prise, ayant eue
trouue ouesq luy, que il ad em-
blee, ceo est appele le Maynour.
Et issint nous communement
yse par dire, quant nous trouou-
mus vn felon de vñ illoyal
act, que nous luy prist ouesque
le maynour ou manner.

Maintenance.

Maintenance est lou asen-
hõe done ou d liuer a vn
quē que est Plainnte ou Defen-
dant en asc' action; asc' summe
d'argent, ou autre chose pñe
maintenir sun pñe, ou faire ex-
treme labor par luy, quant il
nad riens a occaizre, donques
laui partie greeue iura vers
luy vn Briefc appelle Briefc d'
Maintenance.

Messe.

Messe (*Messuagium*) scrib-
ble & veher del poi Fran-
cois Maison ou Mansion, que
nest aut frsq vn lieu d'abi-
der ou habitation. Et yncore
Messuage en nostre Ley, com-
prehend plus que le very lieu
del habitation, car Domus &
Messuagium differ en ceo, que
Domus ne poit estre intendue
que les choses en building,
mes Messuagium serra dit tout

Maynour.

Maynour is taken & these
hath stings, and is follow-
ed with this and. Et is and de-
bent, having thus found about
him which hee stile, that is cal-
led Maynour. And so we com-
monly vse to say, when we find
one doing of an unlawfull act,
that we took him with the may-
nour or manner.

Maintenance.

Maintenance is where one
maingeth or obligeth
another thus as: plaintife or de-
fendant in any action, any sum
of money or other thing for to
maintaine his pñe; or else may
have extreme labour for that
when he hath nothing therewith
to doe; then the party grieved
shall have against him a writ cal-
led a writ of Maintenance.

Messe.

Messe or Messuage seemeth to
come from the French
word Maison or Mansion, which
is no other but a place of ab-
iding or habitation. And yet
Messuage in our Law com-
taines more than the very place
of habitation, for a House and
a Messuage differ in that a
House cannot be intended other
than the matter of building,
but a Messuage shall be said all
the

the mansion place, and the curtelage shall be taken as parcel of the Mesluage, 20. H. 7. Keloway fol. 57. a. and by the name of a Mesluage the garden and curtelage shall passe, Plowden fol. 171. a.

le mansion lieu, & le curtelage sera prise come parcel dun Mesluage, 20. Hen. 7. Keloway fol. 57. a. & per le nosme dun Mesluage le garden & le curtelage passera, Plowden fol. 171. a.

Medietas linguæ.

Medietas lingue.

Medietas linguæ is an Inquest empannelled vpon a nyngale, whereof the one halfe is of Denizens, and the other halfe of strangers, and it is vsed in pleas between parties, where of the one is a Denizen, and the other a stranger, and this manner of tryall was first giuen by the Statute of 27. E. 3. Stat. 2. cap. 8. and by the Statute of 28. E. 3. cap. 13. it was granted in cases where the King himselfe was party with an alien.

Medietas lingue est vn Inquest empanel sur ascun casse, de quo l'un moitie est de Denizens, & l'autre moitie de aliens, & est vsé en pleas entre parties, dont l'un est vn Denizen, & l'autre vn alien, & cest maner de tryal fuit primes doñe per lestatute de 27. E. 3. Stat. 2. cap. 8. & per lestatute de 28. E. 3. cap. 13. fuit graunt en cales lou le Roy mesme fuit partie oue vn alien.

Melius inquirendo.

Melius inquirendo.

Melius inquirendo is a writ that is directed vnto the Escheator for a second inquiry to be made when there is any doubt made of partiality in an inquiry made vpon a diem clausit extremum, after the death of the King's Tenant. Des Fuzh, N. B. fol. 255. C.

Melius inquirendo est vn Breue que est direct al Escheator par vn second inquisition estre fait quant est ascun suspition del partialite en vn inquisition fait sur vn diem clausit extremum apres le mort le Tenant le Roy. Veles Fitzh. N. B. fol. 255. C.

Merchandise.

Marchandise.

Merchandise is one of those three lawes, out of which William the Conqueror framed

Merchandise est vn de ceulx trois loyes hors des queux Guillaume le Conqueror frama

nostre common Ley ou le
mixture des Leyts de Nor-
mandy. Et fait le Ley des
Mercians; quant ils auoyent le
regiment del tierce part de
cest Realme.

our common Lawes with
the mixing of the Lawes of
Normandy. And it was the
Law of the Mercians, when
they had the gouernment of the
thirde part of this Realme.

*Mesuage. Vide Mease
deuant.*

*Mesuage. Look Mease
before.*

Mesondue.

Mesondue.

Mesondue est vn appellati-
on dont as. disis. Hospitals
en cest Realme; & venust de
Francois (*Maison de Dieu*) &
nest plus que Domus Dei ou
Gods house en Anglois.

Mesondue is an appellati-
on of Suters Hospitalls in
this Kingdome; and it comes
of the French (*Maison de Dieu*)
and is no more but Gods
house in English.

Mesne.

Mesne.

Mesne est lou l'owner del
terres ou tenements ceux
tener de. vn peu certains ser-
uice, & il ceux tenoit de vn
autre p. autres ou autre serui-
ces, la cestuy qui tient les ter-
res est appel. Tenant parauailles
& cestuy de qui il reigne est
appelle. Mesne; & cesty de qui
le Mesne. tenoit est appelle
Seignior Paramount. Et en
cest case si le Seignior Para-
mount distraint le tenant par
le seruice le Mesne, que luy
doit acquiesce, au Seignior Pa-
ramount, donques le Tenant
aue vn Brieve. vers le Mesne,
qui est appel Brieve de Mesne,
& si il ne vient pur acquiesce le

Mesne is where the owner
of lands or tenements hol-
deth of one by certayn serui-
ces, and hee holdeth them of an-
other by like or other seruices;
then he which holdeth the lands
is called Tenant parauailles,
and hee of whom it is held is
called Mesne; and hee of whom
the Mesne holdeth, is called
chefe Lord; and in this case if
the Lord above distraineth the
Tenant for the seruice of the
Mesne, which ought to ac-
quiesce him to the Lord above,
then the servant shall haue a
Brieve against the Mesne, which
is called a Brieve of Mesne; and
if hee come not to acquiesce the
Tenant.

Tenaunt, that the same shall
lose the service of the Tenaunt,
and shall bee lord of the
Seigniorie; and the Tenaunt
shall bee Tenaunt immediate to
the chiefe Lord; and shall bee
the same service and suites as
the same due to the Lord.

Misprision.

Misprision is when one
knoweth that another hath
committed Treason or Felony,
and will not discover him to
the King, or to the Countie,
or to any Magistrate, but
both conceale the same. Divers
other offences are called Mis-
prision as when a Chaplain
has used in the seal of a pa-
tent to a new patent of resi-
dence, and this was holden
to bee Misprision of Treason
onely, and no counterfeiting of
the Kings Seal. So it is
holden in 37. H. 8. Bro. tit. Treas-
on 3. in fine. but 2. H. 4. fo. 25. A.
is aduouched contrary, and Stam-
phord fo. 3. B. holds it to that it is
Treason, and not Misprision of
Treason onely, and so it is hol-
den at this day.

Also if a man know money
to bee counterfeited, and bring the
same out of Ireland into
England, and utter it in pay-
ment, this is not Misprision
of Treason, and no Treason,
and so it is in divers other like
cases.

Tenaunt, donques le Mesme
perdra le seruite le Tenaunt,
& sera foreiudge de son
Seigniorie, & le Tenaunt ser-
ra Tenaunt immediate al
chiefe Seignior, & sera
mesmes le seruices & suites cõe
le Mesme fist al Seignior.

Misprison.

Misprison est quant aucun
sciet que un autre ad fait
Treason ou Felonie, & il ne
voyle luy discouter al Roy,
ou son Councell, ou a aucun
Magistrate, eins conceala son
offence. Divers autres offen-
ces sont appelle Misprison &
scome un Chapleine ad fixe
un ancien seale dun Patent,
a un nouel Patent de Non-
residence, & ceo fust tenus de
este Misprison a Treason tan-
tum, & nul counterfeit del
Seale del Roy. Il est tenus
en 37. H. 8. Bro. tit. Treason 3.
in fine, mes 2. H. 4. fo. 25. A. est
aduouché contrā, & Stam-
phord fo. 3. B. cite ceo il est que
est Treason, & nemy Mispri-
son de Treason solement. &
il est tenus a cest iour.

Item si un autre sciet mo-
ney desre faux, & port ceo
hors de Ireland en Engleter-
re, & vter ceo en payment,
ceo est forsque Misprison de
Treason, & nemy Treason,
& il est en diuers tiels sem-
blable casis.

Et

Et en tous cascs de Misprison de Treason, le partie offendor forfeitera ses biens a tous iours, & les profits de ses terres pur terme de son vie, & son corps al prison, al pleasure del Roy.

Et par Misprison de Felonie ou Trespasse, l'offendor serra commit al prison, tanque il ad troué safeties ou pledges p son fine, que serra assesse per le discretion de les Iustices deuant, que il soit conuict.

Et nota, Que en chescun Treason ou Felonie est incluse Misprison, & lou ascun ad fait Treason ou Felonie, le Roy poit causer luy de se endicte & arraigne, forsque de Misprison seulement si il voile. Vide plus p ceo *Stamf. lib. 1. cap. 39.*

Mise.

Mise est vn parol Francois, & signifie tant come (*expensum*) en Latine, & ainsi est frequenmt vse en les entrees des Iudgments ou psonal actions, quant le Plainif recouer, l'entree est quod *Recuperet damna sua* a tiel value, & tant *pro mise & custagiu*. La est auxy vn autre acception ou signification de cest parol en le Ley. Et ces est lou est prise pur lissue

And in all cases of Misprison of Treason, the party offendor shall forfeit his goods for ever, and the profits of his lands for term of his life, and his body to prison at the Kings pleasure.

And for Misprison of Felonie or Trespasse, the offendor shall be committed to prison, until hee have found sureties or pledges for his fine, which shall be assessed by the discretion of the Iustices before whom hee shall come.

And note, That in every Treason or Felony is included Misprison, and where any hath committed Treason or Felony, the King may cause the same to be indicted and arraigned but of Misprison only if hee will. See more hereof *Stamf. lib. 1. chap. 39.*

Mise.

Mise is a french word, and signifies as much as (*expensum*) in Latine, and so it is ordinarly vse in the entrees of Iudgments in personal actions, where the Plainif recovers, the entry is that *Recuperet damna sua* to such a value, & promiss & custagiu for costs and charges so much. There is alsq another acception or signification of this word in the Law, and that is where it is taken for the lissue

to be tryed by battaile or grand
Jurye. And so it is used in
Littleton, sect. 478. 482. and di-
vers other places. Robert turning of
the right upon the more right
is no more but putting it in the
same, when both the best of them
rest right. *Et non est nisi in uno
et eodem iure.*

Misericordia.

most fine grace and ad-
vantage of the law.

Misericordia is the name of the
communion Law for an amercer-
standing by which it is open any
for an offence, as where the
Plaintiff or Defendant in an
action are amerced, the thing
is always. *Idem in misericordia*, &c. And it is therefore called
misericordia, *quia* it is a
N.B. fol. 75. H. for that it should
be but small and less than the
fault. And saving to his conten-
nement, as the Statute of Mag.
Charta, chap. 14. *Quoniam* And
therefore it is now but outrage-
ously amerced. *Et in Court* that
is not of record, as in a Court
Baron, &c. there is a *Moderata*
Moderate Misericordia, which
be directed to the Lord or the
Bailly, commanding them that
they take moderate amercer-
ments according to the quanti-
ty of the fault. And of that
see Fitzh. N.B. fol. 75. A. and *Mo-
derata Misericordia* after.

destretry p battaile ou grand
Assise. *Et non est nisi in uno
et eodem iure.* Littleton, sect. 478. 482. &
divers autres, l'ou i'ouider de
Mise sur le mere droit n'est
plus que mettre ceo en issue,
que avoit le meilieur ou plus
eclere droit.

Misericordia.

most fine grace and ad-
vantage of the law.

Misericordia est use en la
communion Ley pur vn a-
merciement ou petite mise sur
ascun pur vn offence, come l'ou
le Plaintiff ou Defendant en
action action est amerce, l'en-
tre est tous soits. *Idem in mi-
sericordia*, &c. Et est pur ced'
appel *misericordia*, cō: Fitzh.
dit, N. B. fo. 75. H. eo que doit
estre forcé de payer de meins
que l' offence. Et salvo con-
tenemento come lestatute de
Mag. Chart. cap. 14. parlé. Et
par ceo si home soit outragi-
oulement amercee en vn Court
que n'est de record, come est
Court Baron, &c. la est un
Briefe appel, un *Moderata Mi-
sericordia*, destre direct al Shire
ou Bailly, eux commandant q
ils prenderont moderates a-
merciements selonq le quan-
tité d' l' trespass. Et de ceo veies
Fitzh. N.B. fol. 75. A. & *Mo-
derata Misericordia* apres.

Minimum.

Mittimus.

Mittimus est vn Briefe par
leq records sont transferte
del vn Court al autre, ascun
foits immediatement, cōc appi-
ert en lestat. 5. R. 2. cap. 15.
come hors del Bancke le Roy
en leſchequer. Et ascun foys
p vn *Cartier* en le Chaun-
cerie, & dillonq p vn *Mit-
rimus* en autre Court, come
poies veier en 28. H. 8. Dyer,
fo. 29. a. b. & 29. H. 8. Dyer, fo.
32. a. b. Cest parol est auxy
yse pur le precept que est di-
rect p vn Iustice del Peace al
Gaoler pur le receuer & safe-
ment garder dunt felon, ou au-
ter offender commit per le dit
Iustice al Gaole.

*Monstrans de Faits ou
Records.*

**Monstrans de Faits, ou Re-
cords**, est, sicome pur ex-
ample, vn action de Det, soit
port enuers vn sur vn obliga-
tion per vn, ou per Execu-
tors, &c. la apres que le Plain-
tife ad declare, il doit mon-
strer son obligation, & l' Exe-
cutor le testament al Court, &c.
issint est de Records.

Et le diuerſe perent mon-
strance de Faits, ou Records, &
oyer de Faits, ou Records, est
issint, il que pleade le Fait ou
Record, ou declare sur ceo, a
luy il appertaine de monstre

Mittimus.

Mittimus is a writ by which
Records are transferred
from one Court to another,
sometimes immediately, and ap-
pears in the Statute of 5. R. 2.
cap. 15. as out of the Kings
Bench into the Exchequer. And
sometimes by a *Cartier* into
the Chancery, and from thence
by a *Mittimus* into another
Court, as you may see in 28. H. 8.
Dyer, fo. 29. a. b. & 29. H. 8. Dyer,
fo. 32. a. b. This word is also us-
ed for the precept that is direct-
ed by a Justice of peace to a
Gaoler for the receiving and safe-
keeping of a felon, or other Of-
fender committed by the said
Justice to the Gaole.

*Shewing of Deeds or
Records.*

Shewing of Deeds, or Records,
is, as if for example, an action
of Debt be brought against
one upon an obligation by one,
or by Executors, &c. there after
that the Plaintife hath decla-
red, he ought to shew his
obligation, and the Executor
the testament to the Court, and
so it is of Records.

And the diuersity betwene
shewing of Deeds or Records, &
hearing of Deeds or Records, is
thus, he that pleads the Deed or
Record, or declares upon it, to
him it doth appertaine to shew
the same.

the same, and sheweth against
him such Word or Words to
pleaded or declared, that he
is to be charged, with demands
bearing of the said Words or
Words, which his aduersarie bring-
eth or pleadeth against him.

Mortdancer.

Mortdancer, look for that
before in the title Cofmage.

Monstraverunt.

Monstraverunt is a writ, and
it lyeth for the Tenants in
ancient demesne, and is directed
unto the Lord, him commaun-
ding that he distraine not his te-
nant for to do other service than
he ought not to do; and they
may have this writ directed to
the Sheriffe, that he suffer not
the Lord to distraine the said te-
nants for to do other service.

Also if the Tenants cannot
bee in quiet, they may have
an attachment against the
Lord, to appeare before the Ju-
stices, and all the names of the
tenants shall be put in the writ,
though but one of them be grie-
ued onely.

Also if any lands in ancient
demesne be in variance between
the Tenants, then the Tenant
so griened, shall have against
the other a Writ which is cal-
led of Right close after the cu-
stome of the Mannor, and that
shall bee always brought in the

ooo. Et laster vers que tie-
Fait ou Record est pleade ou
declare, & est per ceo deste
charge, poyt demand oyer
de ceo Fait ou Record, que
son aduersarie port, ou plead
vers luy.

Mortdancer.

Mortdancer, vide d'ceo
d'uaic & la ricle Cofmage.

Monstraverunt.

Monstraverunt est vn Brieve,
& gist par le Pairs en an-
cient demesne, & est direct al
Seignior, luy commaundant q
il ne distraine son tenant pur
faire aut service, que faire ne
duisoit, & ils poient au cest
Brie direct al Vic, q il ne suf-
fer le Seignior a distraire les
dits tenants pur faire auter
service.

Auxy si les Tenants ne poient
este en quiet, ils poient auer
vn attachment vers le Seigni-
our d'appearera deuant les Ju-
stices, & tous les noymes des
Tenaunes seront mise en le
Brieve, comes q forsque vn de
eux soit greü solement.

Auxy si aucun terres en aun-
cient demesne soit en vari-
aunce enter les Tenants, donqs
le Tenant issint griueue auera
vers auter Brieve quod voca-
tur: Droit iclose secundum
consuetudinem Manerii, & ceo
sera tous fois port en le

Court

Court le Seignieur, & sur ceo il countera en le nature d quel Brieft il voit, come son case gist, & cest Brieft ne serra remone, si non pur graund cause, bu non power de le Court.

Auxy si le Seignieur en autre lieu hors de auncient demesne distraint son Tenaunt de faire auter service que il doit, il auera Brieft de Droit, appelle *Ne intusse vexes*; & cest vn Brieft de droit Patent, que serra tunc pet. battell ou graund Assise.

Monstrans de droit.

Monstrans de droit est vn suit en le Chancery pur le subiect destre restore as terres & tenements, queux il monstre dtr son droit, mes sont p office troues destre en le possession dun q darreinmt morust, p quel office le Roy est entitle al vn chateil frankenemnt ou inheritance en les dis tres. Et cest Monstrance de droit est done p les Statutes d 34.E.3. cap. 14. & 36.E.3. cap. 13. Veids *Cok. lib. 4. fo. 54.B.* en le case del Wardens & Comminaltie des Sadlers.

Mortgage ou Mortgage.

Mortgage ou Mortgage est quant vn fait vn feoffment a vn autre sur tel condition, Que si le feoffour paya

Lords Court, and the court shall declare in the nature of what writ he shall, as his case hath, and this writ shall not be returned, but for a great cause, or no power of the Court.

Also if the Lord in another place out of ancient demesne distraine his Tenant to do other service than hee ought, hee shall haue a writ of Right, called *Ne intusse vexes*, and it is a writ of right Patent, which shall be taken by battell or grand Assise.

Monstrans de droit.

Monstrans de droit is a suit in Chancery for the subiect to be restored unto lands and tenements, which hee shewes to be his right, but are by office found to be in the possession of another that is lately dead, by which office the King is intited to a chattell, freehold, or inheritance in the said lands. And this Monstrans de droit is given by the Statutes of 34.E.3. cap. 14. and 36.E.3. cap. 13. See *Coke, lib. 4. fol. 54.B.* in the case of the Wardens and Comminalty of Sadlers.

Mortgage or Mortgage.

Mortgage or Mortgage is when a man maketh a feoffment to another on such condition, That if the feoffour paya

to the feoffee at a certaine day
40.li. of money, that then the
feoffour may re-enter, &c. in
this case the feoffee is called
Tenant in Mortgage. And
as a man may make a feoffment
in fee in Mortgage, so he may
make a gift in Tale, or a Lease
for terme of life, or for terme of
yeeres in Mortgage. And it seemeth
that the cause why it is
called Mortgage, is for that
it standeth in doubt, whether
the feoffour shall pay the money
at the day appointed or not,
and if hee faile to pay, then
the land which hee laid in gage
upon condition of payment of
the money, is gone from him
for ever, and is dead to him
upon condition: But if hee pay
the money, then is the gage
dead as to the Tenant, that
is to say, the feoffee, and for
this cause it is called in La-
tine Mortuum vadium, as
Ser Littleton saith, or rather
Mortuum vas, as I thinke.

Also if a feoffment be made
in Mortgage upon condition,
that if the feoffour pay such a
summe at such a day, &c. and the
feoffour dye before the day, yet
if the heire of the feoffour pay
the same summe at the same
day to the feoffee, and the feof-
fee refuseth it, then the heire of
the feoffour may enter: But
in such a case, if there be
no day of payment expressed,
then such reuer of the heire
is void, for that that when

al feoffee a certaine iour 40.li.
d argent, que adonque le feof-
four poit re-enter, &c. en ceo
case le feoffee est appel Te-
nant en Mortgage. Et sicome
vn home poit faire feoffment
en fee en Mortgage, issint il
poit faire done en Tale, ou
Lease p fine d vie, ou p fine d
ans en Mortgage. Et il semble
que la cause pur q il est appel
Mortgage, est pur ceo que il
estoit en auerous, si le feof-
four voyle payer al iour li-
mitte l' argent ou non, &
si il ne paya pas, donques
le terre que il mist engage
sur condition de payment de
le money, est ale de lay a
tours iours, & issint mort a
luy sur condition: Mes si il
paya le money, donqs est le
gage mort quant a le Tenant,
ceftascavoir, le feoffee, & pur
cest cause il est appel en La-
tin, *Mortuum vadium*, come
Monsieur Littleton dit, ou
Mortuum vas, come leo pense.
Auxy si feoffment soit fait
en Mortgage sur condition,
Que si le feoffour paya tiel
summe, a tiel iour, &c. & le
feoffour morust deuant le
iour, vncore si le heire le feof-
four paya mesme le summe a
mesme le iour al feoffee, & le
feoffee ceo refusa, donques le
heire le feoffee poit enter: Mes
en tiel case si ne soit aucun
iour de payment expresse,
donques n'el reuer del heire
est voyde, pur ceo que quant le

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le feoffour morust, le temps d'l-
tender est passe, ou autrement
des heires le feoffour aueront
tēps del tend a tout iours, que
serra inconuenient, q vn auera
vn fee simple a luy & a ses
heires q terra defeasible tous
soits a le pleasure & voluntē
d' auters, mes en le primer case le
temps del tender ne fait ex-
presse p la mort le feoffour.

Moderata miseri- cordia.

Moderata misericordia est
vn Brieft, & gift lou home
est amercie en Court Baron,
ou Countie, plus q deuer este,
donques il auera cest Brieft
direct al Viscount si soit en le
Countie, ou al Baylife si soit
ē Court Baron, eux comman-
dant q ils ne luy amerciont,
mes eyent regard al quantitie
del trespassse, & s'ils ne font sur
cel Brieft, donques issira vers
eux vn *Sicut alias, & Causam*
nobis significes, & apres ceo vn
Attachment.

Mortmaine.

Mortmaine est lou tres sont
dones a maison d religion,
ou a vn autre compagnie q sont
corporate p le grant le Roy,
donq cest tre est deuenus en
Mortmaine, cest adire en An-
glois, a *dead hand*, & donque
le Roy, ou le Seignieur de
q le terre est tenuz pouz entre,

the feoffor, with, the time of ten-
der is past, or otherwise the heirs
of the feoffor shall haue time of
the tender for ever, which shall be
inconuenient, that one shall haue
a fee simple to him & to his heirs
which shall be defeasible alwaies
at the pleasure & will of others,
but in the first case the time of
tender was not expired by the
death of the feoffor.

Moderata miseri- cordia.

Moderata misericordia is a
writ, and it lyeth where a
man is amerced in Court Ba-
ron or Countie, more than hee
ought to be, then hee shall haue
this writ directed to the Sheriffe
if it be in the Countie, or to the
Bailiff if it be in the Court Ba-
ron, commanding them that they
amercie him not, but hauing re-
gard to the quantity of the tres-
passe, & if they doe not upon this
writ, then shall go forth against
them a *Sicut alias, & Causam nobis*
significes, & after that an *Attach-*
ment.

Mortmaine.

Mortmaine is where lands are
given to a house of religio-
n, or to another company which
hee corporate by the Kings
grant, then the land is come in
to *Mortmaine*, that is to say in
English, a *dead hand*, and then
the King or the Lord of whom
the land is holden may enter,

as

as it appeareth by the Statute de Religiosis, thereto in the Statute. And if one make a feoffment upon trust to certaine persons to the vse of a house of Religion, or to the vse of any Child, or fraternity corporate, then it shall be said Mortmain, and then hee shall runne in the same paine, as it appeareth by the Stat. Ann 15.R.2.

come appiert per l'estature de Religiosis; ideo veies l'estature. Auxy cy vn fait feoffement sur confidence a certaine. persons al oeps de vn meason de Religion, ou al oeps de ascun Gild, ou fraternity corporate; & donques il seira dit Mortmain, & in encourage en le pain vt patet p l'estature Anno 15.R.2.

Mortuary.

Mortuary is that beast or other chattell moueable, which after the death of the owner, by the custome of some place, shall be due vnto the Parson, vicar, or priest of the parish, in lieu of satisfaction of tithes or offerings, for goods not well and truly paid by him that is dead. See now the Statute of 21 H. 3. chap. 6. which limits the course and order of the payment of these mortuaries or of money for them.

Mortuary.

Mortuary (*Mortuarium*) est deo auer ou auiz chattell, moueable, que apres le mort del owner, per le custome des ascuns lieux accue al Parson, vicar, ou prest del, parochie en lieu ou satisfaction des dismes, ou oblations, oblates, ou nient duement payes per cestuy que est mort. Veies ore l'estature de 21. H. 3. cap. 6. que limit le course et order del payment de ceux mortuaries ou de deniers pur eux.

Mulier.

Mulier is a word used in our Law, but hold aptly I cannot well learne: for according to the proper signification, Mulier is a defiled woman, like as it is used in Vlpianus in a certaine place, after this sort: Ego thought that I had bought a Virgin; when shee was a defiled woman, the bargain was not good. *Merito non habet se.* That

Mulier.

Mulier est vn parol vse en nostre Ley, mes come aptement, ico ne poy dire ne scay bien: Car accordant al proper signification, *Mulier* est *Femina corrupta*, siccome il est vse per Vlpianus en vn certaine lieu en tiel maniere. *Ego me virginem emi, parum cum esset mulier, emptio non habet se.* Per ceo n'poyes veier, que

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Mulier est vn feme que ad ew le companie d'un home : Mes a relinquisher le droit signification, *Mulier* est prise en nostre Ley, pur vn que est loyalment engender & nee, & est tous dits vse en comparison ouesq; vn bastard, solement per monstre vn difference perenter eux, come pur exemple. Vn home ad vn fitz per vn feme deuaunt mariage, cest issue est appelle vn bastard, & illoyal. Et apres il marrie oue le mier del bastard, et ont vn auter fitz, cest second fitz est appelle *Mulier*, cest adire, loyal, & sera heire a son pier : mes le auter ne poit este heire al ascun home, pur ceo que il nest conas ne certaine en le iudgement del Ley que fuit son pier, & pur cest cause est dit, desic *nullius filius*, ou *filius populi*, & issint fauns pier, accordaunt al cestuy viele verses.

Cui pater est populus, pater est sibi nullus & omnis.

Cui pater est populus, non habet ipse patrem.

Et tous foits vous troues cest adition al eux (Bastard eigne, & *Mulier* puisne) quaut ils sont compare ensemble.

Mumiments.

Mumiments (Mumimenta) sont evidences ou escripts touchants le possession ou inhe-

Mulier is a woman that hath had the company of a man. But to leaue the right signification, *Mulier* is taken in our Law, for one that is lawfully begotten and borne: and is alwayes used in comparison with a Bastard, onely to shew a difference betwene them: as thus for example. A man hath a sonne of a woman before marriage, that is called a bastard, and unlawfull. And after he marrieth the mother of the Bastard, and they haue another sonne, this second sonne is called *Mulier*, that is to say, lawfull, and shall be heire to his father: But the other cannot be heire to any man, because it is not knowne nor certaine in the iudgement of the Law, who was his father, and for that cause is said to be no mans sonne, or the sonne of the people, and so without father, according to these old verses.

To whom the people father is, to him is father none at all.

To whom the people father is, well fatherlesse we may him call.

And alwayes you shall finde this additon to them, (Bastard eldest, and *Mulier* youngest) when they be compared together.

Mumiments.

Mumiments are evidences or writings, concerning a mans possession or inheritance,

tance, whereby hee is able to defend the estate which hee hath. And they are so called from the Latin word, Munio, which signifies to defend or fortifie, and 35. H. 6. fol. 37. b. Wangford sayes that this word Muniment includes all manner of Evidences, As charters, releases and others.

ritance dascun home, & per que quex il est able pur defend lestate que il ad. Et ils sont iustint appells del Latin paroll *Munio*, que signifie pur defendre ou fortifier, & 35. H. 6. fol. 37 b. Wangford dit que cest paroll *Muniment*, include tous manners des Evidences, siz charters, releases & autres.

Murage.

Murage.

Murage is a tolle or tribute, leuied for the repaying or building of publike walls. See Fitzh. nb. fol. 227. D. and the Statute of 3. E. 1. chap. 30.

Murage (Muragium) est vn tolle ou tribute leuie par le repaireur ou edifier des publique mures. v. Fitzh. nb. fo. 227. D. & lestatute 3. E. 1. cap. 30.

Murder.

Murder.

Murder is a wilfull killing of a man upon malice forethought, and seemeth to come of the Saxon word Mordren, which so signifieth. And Mordridus is the murderer even untill this day amongst them in Saxony, from whence we haue most of our words, as hath bene often said. Or it may be deriued of Mort and dire, as Mors dira. See Stamf. Plees of the Crowne lib. 2.

Murder est vn voluntarie occider d'un home sur malice prepenſe, & semble deuenir de le Saxon parol *Mordren*, que issint signifie. Et *Mordridus* É le Murdeier tanque al cest iour eni eux in Saxony, de que nous anom^s mults de nostre parolx, come ad estre souuent dit. Ou poit estre deriue de *Mort et dira*, quasi *Mors dira*. Veies Stamf. Plees del Coron. lib. 1.

Muste:

Muste.

Muste comes of the french word (Mostre, that is to say, A proof or trial) or else of Monſter (that is to say to shew) for to muste is nothing but to shew

Muste venust del paroll Francois *Monſtre* (id est Specimen) ou *Monſtrer* (id est *Monſtrare*) car de muste nest riens. fousque de mon-

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stre homes & lour armes & de
eux inroller en vn liuer come
appiert per lestatute de 18. H.
6. cap. 19.

men and their armes, and to in-
roll them in a booke, as ap-
peares by the statute of 18. H. 6.
chap. 19.

N.

Naam.

N *Naam* est le pursuer ou ap-
prehension des biens
moneables d'un auter home, &
il est ou loyal ou illoyal. *Naam*
est riens auter que vn reasona-
ble distresse accordant al va-
lue del chose pur que distresse
est fait. Veies pluis de ceo,
Hornes Mirrour de Iustices
lib. 2.

N.

Naam.

N *Naam* is the attaching oꝝ ta-
king of the moueable goods
of another man, and is either
lawfull oꝝ vnlawfull: Lawfull
Naam is nothing else but a
reasonable distresse accoꝝding to
the value of the thing foꝝ which
the distresse is. See moze of
this, *Hornes Mirrour of Iustices*
lib. 2.

Natiuo habendo.

N *Atiue habendo* est vn Brief,
& gist lou le villeine ou
niese d'un Seignieur est ale de
luy, donques le Seignieur au-
ra cest brief direct al Vic', que
il face le sñr auer son villein ou
niese ouesque tous ses cha-
teux.

Auxy en cest briefe plufors
villeines ou nieses ne purront
ce demãdesque deux, mes auxy
rants des villeins ou nieses que
voilent, ioynnt poient porter
briefe de *Libertate probanda*.

Auxy si vn niese port briefe
de *Libertate probanda*, auant
que le seignieur port cest brief,
donques le villein pl' ou niese

Natiuo habendo.

N *Atiue habendo* is a Writ,
and it lieth where the bil-
leine oꝝ niese of the Lord is gone
from him, then the Lord shall
haue this writ directed to the
Sheriffe, that he make the Lord
to haue his villein oꝝ niese with
all his goods.

Also in this writ, moze bil-
leines oꝝ nieses may not bee de-
manded then thowine, but as ma-
ny villeines oꝝ nieses as will,
togethyr may bring a writ de Li-
bertate probanda.

Also if a villein oꝝ niese bring
his writs de libertate probanda,
before that the Lord bring this
writ, then the villeine plaintife

shall be in peace till the coming of the Iustices, or else his wite shall not helpe him.

Also if a villein haue tarried in an auncient demesne one yeare and a day without claime of the Lord, then hee cannot seise him in the said franchise.

Ne admittas.

NE admittas is a Writ directed to the Bishop at the suit of one which is Patron of any Church, and hee doubted that the Bishop will collate on his Clerke, or admit another Clerke presented by another man to the same benefice: then hee that doubteth it shall haue this writ to forbid the sheriffe to collate or admit any to that Church.

Non omittas propter libertatem.

NON omittas propter libertatem is a Writ, and it lieth where the Sheriffe returneth vpon a writ to him directed, that hee hath sent to the Bailiffe of such a franchise which hath returne of wites, and hee hath not serued the Writ, then the plaintife shall haue this writ directed to the Sheriffe, that he himselfe enter into the franchise and execute the Kings Writ.

Also the Sheriffe shall marne the Bailiffe that hee bee before the Iustices at that day con-

terra en peace ielsque al venue des Iustices ou autrement son brieve ne luy aydera.

Auxy si vn villein ad demur en auncient demesne per vn an & iour sans claime del seignieur, donques il ne poit luy seiser deins le dit franchise.

Ne admittas.

NE admittas est vn Brieve direct al Euesque al suit de vn que est Patron de aucun Eglise, & il doubra quel'euesque voit collate vn son Clerk, ou admit vn auter Clerke present per auter home al dit benefice, d'ouques il que ceo doubta, auera cest Brieve de inhibiter le Viscount de collater ou admitter aucun a son Eglise.

Non omittas propter Libertatem.

NON omittas propter libertatem est vn Brieve & gist lou le Viscount retourne sur Brieve a luy direct, que il ad maund al Bailife de tiel Franchise que auer retourne des Brieves, & il nad seruie le Brieve, donques le plaintife auera cest Brieve direct al Viscount, que il luy mesme enter in le Franchise & execute le Brieve le Roy.

Auxy le Viscount garrera le Bailife que il soit deuant les Iustices al iour convenus

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tenus en le Briefe, & sil ne vient & luy acquite, donques tous les briefe iudicials que passeront hors del Court le Roy durant mesme le plee, seront briefes *De non omittas*, &c. le Viscount ferra execution de eux pendant cel plee.

tained in the writ, and if hee come not, and excuse himselfe, the al the writs iudicials which shall passe out of the kings court during the same plee, shall be writs *De non omittas*, &c. and the Sheriffe shal make execution of them hanging that plee.

Negatiua pregnans.

Negatiua pregnans est quant vn Action ou information, ou tiel semblable Suite est portee en vn, & le Defendant plead en barre del Action, ou autrement vn Negatiue plee, que nest cy speciall auisye al Action, mes que il enclude auxy vn Affirmatiue: Come pur exemple; si en Briefe de *Entre en casu prouiso*, port per cestuy en le reuerfion sur alienation per le Tenant pur vie, supposant que il ad alien en fee (que est vn forfeiture de son estate) & le Tenant al Briefe al dit que il nad alien en fee, cest vn Negatiue, en que est enclude vn Affirmatiue: car nient obstant il soit veray que il nad alien en fee, vncore il poit estre que il ad fait vn estate entaile (le quel est auxy vn forfeiture) & donques le entry de celuy en le reuerfion est loyal, &c.

Item en vn *Quare impedit*, le Roy fist Title de presenter a vn Prebend, ratiene que les Temporalities de Leuesquerie furent en sa mains p le mort de

Negatiua pregnans.

Negatiua pregnans is when an Action or Information or such like is brought against one, and the Defendant pleadeth in barre of the Action, or otherwise a negatiue Plee, which is not so speciall an answer to the Action, but that it includeth also an affirmatiue: As for example; If a writ of *Entre en casu prouiso*, brought by him in the reuerfion upon Alienation by the Tenant for life, supposing that hee hath aliened in fee (which is a forfeiture of his estate) and the Tenant to the writ saith, that he hath not aliened in fee, this is a Negatiue, wherein is included an Affirmatiue: for although it bee true, that hee hath not aliened in fee, yet it may be that hee hath made an Estate in taile (which is also a forfeiture) and then the entry of him in the reuerfion is lawful, &c.

Also in a *Quare impedit*, the King makes Title to present to a Prebend, for that the Temporalities of the Bishopricke were in his hands by the death of

W. late Bishop, &c. The Defendant saith that it was not boyde being the temporalities in the kings hands by the death of **W.** this is a Negative pregnance, for it may be in the kings hands otherwile than by the death of **W.** and it sufficeth the King if it be in his hands by any means, &c.

So is it where an Information was brought in the Exchequer against **J. D.** for that hee bought wool betwene shering time and the assumption such a yeare of **J. R.** The defend. saith that he did not buy any of **J. R.** as it is alledged, &c. this is called a negative pregnance, for if hee bought it of any other, yet he is culpable for the buying.

Ne iniuste vexes.

NE iniuste vexes, Lookethere= fore before in the title Mon= straverunt.

Niese.

Niese is a womā that is bound, or a villeine woman, but if shee marry a free man, shee is thereby made free, becaule that shee and her husband are but one person in Law, & shee ought to be of the same nature and condition in Law to all intents, that her husband is. But her husband is free to all intents without any condition in Law, or otherwile: and so by consequence the wife ought to be, and is free

W. nuper Episcopum, &c. Le Descendaunt dit que ne voyda pas esteants les temporalities en les maines del Roy per le mort de **W.** cest vn Negative pregnance, car il poit estre en les maines del Roy auterment que per le mort de **W.** & il suffist al Roy si soit en sa maines, &c.

Issint est lou vn Information fuit port in Scaccario vers **J. S.** pur ceo que il achate laines perenter shering temps & assumption tali anno de **J. N.** Le defendant dit quod non emit de **J. N.** come il est alledge, &c. ceo est appelle vn negative preignans, car sil ceo achate de auter, vncore il est culpable pur acheter.

Ne iniuste vexes.

NE iniuste vexes, Vide de ceo deuant, titulo Mon= straverunt.

Niese.

Niese est vn feme q̄ est bonde, ou vn villein feme, mes si il marrie vn franke home, el est per ceo fait frank, pur ceo que el & sa baron sont forsque vn person en Ley, & el couient estre de mesme le nature & condition en ley a tous entents come sa baron. Mes sa baron est frank a tous entets sans aucun condition en ley, ou autermet: & issint per consequens, le feme couient estre, & est franke

accordant al nature son franke baron, & donques si el soit vn foits franke & cleerement discharge de villenage a toutes entents, el ne poit estre niese apres sans especial act fait per luy, come diuorce, ou conuins en Court de Record, & ceo est en fauour de libertie, & pur ceo vn franke feme ne sera vilieine p'priel del villeine a sa baron. Mes lour issue sera villeines come lour pere fuit, que est contrary a le Ley ciuile, car la est dit, Partus sequitur ventrem.

Bondage ou Villeinage ad son comencement entre les Hebreus, & son originall proceeding de Chanaan le fils de Cham, que pur ceo que il auoit derise son pere Noe gisant dissolument, quant il fuit ebrue, fuit punie en son fils Chanaan ouesque penalte de bondage.

Nihil dicit.

N*ihil dicit* est quant vn Action est port enuers vn home, & le defendant appeare, & le plaintife declare, & le defendant ne voyle respondre ou pleade al action, & ne maintaine son plee, mes fait default, ore sur cest default, il sera condemne quia nihil dicit.

according to the nature of her free husband, and then if she were once free and clearly discharged of bondage to all intents, shee cannot bee niese after without especiall acte done by her, as diuorce, or confession in Court of Record, and that is in fauour of liberty, and therefore a free woman shall not bee bound by taking of a villeine to her husband: But their issue shall bee villeines as their father was, which is contrary to the ciuill law, for there it is said, The birth followeth the belly.

Bondage or villeinage had beginning amongst the Hebreus, and his originall proceeding of Chanaan the sonne of Cham, who because that he had mocked his father Noe to scorn, lying dissolutely when he was drunke, was punished in his sonne Chanaan with penalte of bondage.

Nihil dicit.

N*ihil dicit* is when an Action is brought against a man, and the defendant appeares, the plaintife declares, and the defendant will not answer, or pleades to the action, and doth not maintaine his plee, but makes default, now upon this default hee shall bee condemned, because he saith nothing.

Nisi prius.

Nisi prius is a writ iudiciall, and lieth when an enquest is impanelled and returned befoze the Iustices in the bench, then the plaintife or defendand may haue this writ directed to the Sheriffe him commanding that he cause the Enquest to come befoze the Iustices in the same County, at their coming to be determined, and that for the calling of the Enquest.

Nomination.

Nomination is where one may in right of his maner, or otherwise, inuigilate, and appoint a worthy clergie or man to a parsonage, vicarage, or such like spiritual promotion. And note that this nomination oughe to bee to another then the ordinary, which other shall present him to the ordinary.

Nonability.

Nonability is where an Action is brought against one, and the defendand saith, that the plaintife is not able to sue an Action, and demandeth judgement if hee shall bee answered. There are six causes of nonability in the plaintife, as if he bee an outlaw, or an alien borne, but that disability is in actions reals and mixt only, & not in actions

Nisi prius.

Nisi prius est vn Brieft iudicial, et gift quauant lenquest est impanell' & retourne deuant les Iustices in banke, donques le plaintife ou defendand poit auer cest brieft direct al viscount, luy commandant que il face venir la Enquest deuant les Iustices en mesme le county a leur venir la destre determine, et eco par casement del Enquest.

Nomination.

Nomination est lou vn poit en droit de son manoir, ou autrement, nominate et appoint vn able clergie ou home al vn parsonage, vicarage, ou tiel spiritual promotion. Et nota que cest nomination doit estre al autre que lordinary, que autre luy presenter al ordinary.

Nonability.

Nonability est lou vn Action est port vers vn, et le defendand dit, que le plaintife est non able de suer aucun Action, et demand judgement si sera responde. Il y ad 6. causes de Nonabilitie en le plaintife, come si soit vtlage, ou alien nec (mes cest disability est en actions reals & mixt seulement, & non en actions

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personals, si non que il soit vn alien enemy) ou condemne en *Premunire*, ou professe en vn Abbe, Priory, ou Friery, ou excommenge, ou vn villeine, & sue son Seignior: mes cest d'assene nest plee pur auter que nest Seignior al villeine. Vide de ceo *Litt' lib. 2. cap. 11.*

personals, except he bee an alien enemy) or condemned in *Premunire*, or professed into an *Abbe*, *Priory*, or *Friery*, or excommunicate, or a villeine, and sueth his Lord: But this last is no plea for another that is not Lord to the villeine. See more hereof *Litt' lib. 2. cap. 11.*

Non clayme.

NON clayme est le omission ou neglect cestuy que doit challenger son droit deins vn temps limitee, per quel neglect il est ou barre de son droit come a cest iour sur non clayme deins cinque ans apres vn Fine et droit a luy acrue per lestatute de 4. H. 7. cap. 24. ou de son entry per vn discent pur default del clayme deins cinque ans apres le disseisin fait per lestatute de 32. H. 8. cap. 33.

Non clayme.

NON clayme is the omission or neglect of him that ought to challenge his right within a time limited, by which neglect hee is either barred of his right as at this day upon non clayme within five yeare after a fine and right to him accrued by the Statute of 4. H. 7. cap. 24. or of his entry by a discent for want of clayme within five yeares after the disseisin made by the Statute of 32. H. 8. cap. 33.

Non suit.

NON suit est le renouner del suit per le plaincise ou demandant quant le matter est en ascun probability pur proceed, come apres le tenant ou defendandant ad appeare, &c. Et v. lestatutes 2. H. 4. cap. 7. en q^x cases home ne poit estre non suit et 23. H. 8. cap. 15. et 8. Eliz. cap. 2. et 4. Jac. cap. 3. lou cestuy est non suit payera costs al defendandant.

Non suit.

NON suit is the renouncing of a suit by the plainciffe, or demandant when the matter is in some probability to proceed, as after that the tenant or defendandant hath appeared, &c. And see the Statute of 2. H. 4. cap. 7. in what cases a man cannot be non suit and 23. H. 8. cap. 15. & 8. Eliz. cap. 2. & 4. Jac. cap. 3. where hee that is non suit shall pay costs to the defendandant.

**Bare or naked
Contract.**

BARE Contract, or naked promise, is where a man bargaineth or selleth his lands, or goods, or promisseth to give to one money, or a horse, or to build a house, or do such a thing at such a day, and there is no recompence appointed to him for the doing thereof: As if one say to another, I sell or give to you all my lands or goods, and there is nothing appointed, assigned, or agreed upon what the other shall give or pay for it, so that there is not one thing for another, this is a naked contract, and holden Law, and for not performance thereof no action lyeth, for of a naked contract cometh no action.

Nuisance.

NUISANCE is where any man leaseth any mill, or stoppeth any water, or doth any thing upon his owne ground, to the undue full hurt or annoyance of his neighbour, he that is grieved may have thereof an *Affise Nuisance*. And if he that maketh the nuisance alien the land to another, then this writ shall be brought against them both, as it appeareth by the Statute Westm. 2. cap. 24.

Nude Contract.

NUDE Contract, ou nude promise, est lou vn homme bargain ou vende ses terres, ou biens, ou promise pur done al autre mony, ou vn chival, ou a edifier vn maison, ou faire tiel chose a tiel iour, et la est nul recompence appoint a luy pur le faire de ceo: Come si vn dit al autre, Ieo vende ou done a vous tous mes terres ou biens, & la est nul chose appoint, assigne, ou agreee que l'autre donera, ne payera pur ceo, issint que il nad quid pro quo, cest vn nude contract, & voyd en ley, & pur non performance de ceo nul action gist, car, Ex nudo pacto non oritur actio.

Nuisance.

NUISANCE est lou ascun homme leuie ascun mure, ou estoppe ascun eue, ou fait ascun chose sur son terres demesne, al annoyance son prochain, cestuy que est greeue aura ent vn bfe appel *Affise de Nuisance*. Auxy si il que fist le nuisance alien la terre a vn autre, donques cest briefe serra port eueurs ambideux, come appoit per le Statute Westm. 2. cap. 24.

Nuper obiit.

N*uper obiit* est vn Brieſe, & giſt lou vn ad pluſours heires, ceſtaſcauoir, pluſours files, ou pluſours ſits ſil ſoit en Gauekind en Kent, & deuie ſeiſie, vn heire entra en tout la terre, & donques les autres que ſont tenus de hors, aueront ſeſt brieſe vers le coheire que eſt deins. Mes brieſe de *Rationabili parte* giſt en tiel caſe ou lanceſtor fuit vn foits ſeiſie, & ne moruſt ſeiſie de poſſeſſion, mes del reuerſion.

Nuper obiit.

N*uper obiit* is a *Writ*, and ſe lieth where one hath many heires, that is to ſay, many daughters, or many ſonnes if it be in Gauekind in Kent, & dieth ſeiſed, and one heire entreth into all the land, then the other that hee holdeth out, ſhall haue this *Writ* againſt the coheire that is in. But a *Writ* of *Rationabili parte* lieth in ſuch caſe where the anceſtor was once ſeiſed, and died not ſeiſed of the poſſeſſion, but in reuerſion.

O.

Odio & Atia.

O*dio & Atia* eſt vn vieux brieſe mention en leſtatute de *Westm.* 1. fait en 3.*E.* 1. *cap.* 11. et fuit dire& al viſcount pur inquire ſi home commiſe al priſon ſur ſuſpition del murder, fuit commiſe ſur vn iuſt ſuſpition ou pur malice ſolement. Et ſi ſur enquiry fuit troue que ne fuit culpable, adonques vn autre brieſe venuſt al viſcount pur luy bayler. Mes ceſt courſe eſt ore tolle per leſtatute de 28.*E.* 3. *cap.* 9. come appiert en *Stamfords pl. cor. fol.* 77.*G.* & v. *Coke lib.* 2. *fol.* 36. a.b.

O.

Odio & Atia.

O*dio & Atia* is an old *Writ* mentioned in the ſtatute of *Westm.* 1. made in 3.*E.* 1. *chap.* 11. and it was directed unto the ſherife to inquire whether a man committed unto priſon by ſuſpition of murder were committed upon iuſt cauſe of ſuſpition or for malice onely. And if upon an inquisition it were found that hee were not guilty, then there came another *Writ* to the ſherife to bayle him. But now that courſe is taken away by the ſtatute of 28.*E.* 3. *cha.* 9. as it appears in *Stamfords pl. of the Crown fol.* 77. *G.* & *Coke* 9. book *fol.* 36. a.b.

Ordal.

Ordal is as much to say, as Not guilty, and was an ancient manner of triall in criminal causes, for when the defendant being arraigned, pleaded Not guilty, he might chuse whether he would put himselfe upon God and the Country, which is upon the verdict of twelve men, as they are at this day, or upon God only, and therefore it was called, The judgement of God, presuming that God would deliuer the innocent, and that was if he were of free estate by fire, that is to say, To goe barefooted ouer nine Plowshares fire hot: and if he escaped unhurt, then he should bee acquitted, and if not, then hee should bee condemned: And if the party were of seruile condition, then he should be tried by water, which was in diuers manners: For which see Lambert, word Ordalium. But now this Triall is prohibited by Parliament. See Coke lib. 9. fol. 32. b.

Ordelse.

Ordelse is where one claimes to haue the Ore that is found in the soyle or ground.

Ordinary.

Ordinary is a terme of the ciuill Law and there figs

Ordal.

Ordal est tant a dire come expres criminis, & fuit antient manner de triall en criminal causes, car quant le defendant esteant arraine, plede rien culpable, il puit eslier le quel il voet mitter luy mesme sur Dieu & le Pais, que est sur le verdict de douze homes, come ils sont ielsque a cest iour, ou sur Dieu seulement, & purceo fuit appel *Iudicium Dei*, presumant que Dieu voille deliuer le innocent, cestascauoire, sil fuit de franke estate, donques per feu, cestascauoire, A passera ouster *nouem vomeres ignitos nudis pedibus*: Et sil escape *illesus*, donque il serra acquites et sil nemy il serra condemnne: Et si le partie fuis d'un seruile condition, donque il serra trye per ewe, que fuit en diuers manners: Pur queux veies Lambert, verbo *Ordalium*. Mes iammes cest trial est ouste per Parlement. Veies Coke lib. 9. fol. 32. b.

Ordelse.

Ordelse est lou vn claime de auer le Ore que est troue en son soile ou terre.

Ordinary.

Ordinary (ordinarius) est vn terme del ciuill ley et en

The Exposition of

ceo signifie ascun Iudge que ad authority pur prender conuſance de cauſes en ſon droit dem et nemy per deputation. Mes en le common ley eſt properment priſe pur leueſque de cheſcun dioces que eſt le voier Ordinary pur certifier excommengements, copulation en loyall matrimony, et tiels eccleſiaſticall & ſpirituall acts deins ſes Dioces as Iudges del common Ley, car il eſt le party a que le Court doit eſcrier ſur tiels occasions. Et vncore ceſt paroll Ordinary eſt vſuellement priſe en le common Ley et les ſtatutes pur cheſcun commiſſaire ou officiall del Eueſque ou auter Iudge eccleſiaſticall que ad Iudiciall authority deins ſon Iuriſdiction, come appiert en *Coke lib. 9. Herſloes C. 36. b. & le ſtatutes weſtm. 2. cap. 19. & 31. E. 3. cap. 11. & pluſors auters.*

niſſes any Iudge that hath authority to take conſiſtance of cauſes in his owne right and not by deputation. But in the common Law it is properly taken for the Biſhop of the Dioces, who is the true Ordinary to certifie excommunications and couplings in lawfull marriage and ſuch Eccleſiaſticall and ſpirituall acts within his Dioces to the Judges of the common Law, for he is the party to whom the Court ought to write upon ſuch occasions. And yet this word Ordinary is vſually taken in the Common Law, and in the Statutes for every Commiſſary or Officiall of the Biſhop or other Iudge Eccleſiaſticall that hath Iudiciall Authority within his Iuriſdiction, as as appeares in *Coke lib. 9. fol. 36. b. and the ſtatutes of Weſtm. 2. chap. 19. & 31. E. 3. chap. 11. and many others.*

Ouſter le maine.

Ouſter le maine (Amoueas manum) eſt vn Briſe que eſt direct al Eſcheator pur deliuer ſeiſin ou poſſeſſion hors des maines le Roy al party que ſue le briſe pur ceo que les terres ſeiſies ne ſont tenus del Roy, ou pur ceo il ne doit au le gard de eux, ou pur ceo que le title le Roy eſt determine, &c. Eſt auxy le Iudgement que eſt done en vn Monſtrance de droit, ou ſur vn

Ouſter le maine.

Ouſter le maine is a Wiſt that is directed vnto the Eſcheator to deliuer ſeiſin or poſſeſſion out of the Kings hands vnto the party that ſues the Wiſt, for that that the lands ſeiſed are not holden of the King, or for that he ought not to haue the Wardſhip of them, or for that the Kings title is determined, &c. It is alſo the Iudgement that is given in a Monſtrance de droit, or upon a

Trauerse or petition, for when it appears upon the matter discussed that the King hath no right or title to the thing that he seised, then Judgement shall be given that the Kings hands be removed, and thereupon an *Amovimus manum* shall be awarded to the Escheator, which is as much as if Judgement were given that the party should have his lands againe. And see for this *Stamf. Prærog. cap. 24.*

Trauers ou petition, car quant appiert sur le matter discutte que le Roy nad droit ou Title al chose que il seise, adonque Judgement ferra donec que les maines le Roy sont oustes; Et sur ceo vn *Amoveas manum* sed agard al Escheator, que est tant, sicome Judgement fuit donec que le party aueroit son terre arere. Et vies pur ceo *Stamford Prærog. cap. 24.*

Outfangtheefe.

Outfangtheefe, that is, that cheues or felons of your Land, or for, out of your land, or for, taken with felony or stealing, shall be brought backe to your Court and there indged.

Outfangtheefe.

Outfangtheefe, hoc est, quod Latrones de terra vestra, vel feodo vestro, extra terrâ vestrâ, vel feodû vestrû capti cum latrocinio, ad curiam vestrâ reuertant, & ibid iudicentur.

Owerty.

Owerty is when there is Lord, Mesne, and Tenant, and the Tenant holdeth of the Mesne by the same Services as the Mesne holdeth of the Lord above him. As if the tenant hold of the Mesne by Homage, Fealty, and xx.s. of Rent yearly, and the Mesne holdeth of the Lord above by Homage, Fealty, and xx.s. rent also, this is called Owerty of services.

Owerty.

Owerty est quant il y ad Seignieur, Mesne, & Tenant, et le Tenant tient del Mesne per mesme les Services que le Mesne tient ouster de le Seignieur Paramount: come si le Tenaunt tient del Mesne per homage, fealty, & xx.s. de Rent annuellement, et le Mesne tient ouster de le Seignieur Paramount per homage, fealty, et xx.s. Rent auxy, cest est appelle Owerty de services.

Oyer de Records & Faits, &c.

Oyer de Records & Faits, est sicorne par exemple: an Action de Dette, sur port enuers vn homme sur vn obligation, et le defendant appeare al Action, et donques prie que il port oier la obligation ouelq; que le plaintif charge luy.

Issint est quant Exécutoire port vn Action de Dette, et le Defendant demand oier del Testament, sur cest demand il sera lye al defendant: Mes si soit en vn autre terme, ou apres que le defendant ad imparle, donques il nauera le oier. Et issint come est dit de Faits, est destre entende de Records que sont alleadge enuers luy. Veies le Title *Monstrans de faits*.

Oyer & Terminer.

Oyer & Terminer est Briefe appel en Latin de *Audiendo*, & *Terminando*, & gist quant aucun graund ou soudaine insurrection est fait, ou aucun autre soudaine transgression que requirer hasty reformation, donques le Roy directera vn Commission a certain gens & Iustices, de *Audiendo* & *Terminando*.

Nota que les Iustices de *Assise* ont vn Commission de Oyer & Determiner, di-

Hearing of Records and Deeds, &c.

Hearing of Records and Deeds is, as for example: an Action of Debt bee brought against a man upon an obligation, & the defendant appeares to the action, & then praieth that he may heare the obligation wherewith the plaintif chargeth him.

So it is when as Exécutoire bring an Action of Debt, and the defendant demandeth to heare the Testament, upon this demand it shalbe read into the defendant: But if it bee in another Terme, or after that the defendant hath imparied, then he shall not heare it. And so as is said of Deeds, is to be understood of Records that are alleadged against him. See the Title Shewing of Deeds.

Oyer & Terminer.

Oyer & Terminer is a Briefe called in Latin, de *Audiendo*, & *Terminando*, and is letted where any great or sudden insurrection is made, or any other sudden trespass, which requirith hasty reformation, then the King shall direct a Commission to certaine mayors and Iustices to heare and to determine the same.

Note that the Iustices of *Assise* haue also one Commission of Oyer and Determiner di-

rected to them, and diuers other
inhabitants within the Shires
whereunto their Circuit exten-
deth, whereof each of the Iustices
of Assise are of the Quorum,
for the hearing and determining
of diuers offences, which may
happen in their Circuit, which
without the Commission they
could not doe. See Fitz. nb. fo.
110. b.

rectal euz, et diuers autres in-
habitants deins les Counties,
as queux leur Circuit extende
dont chescun de les Iustices de
Assise sont del *Quorum*, pur le
meulx Oyer et determiner de
diuers offences queux poient
auener en leur Circuits, quel
sauns cel Commission; euz ne
poient faire; Veies Fitz. nb.
fo. 110. B.

P.

Paine fort & dure.

PAINE fort et dure is an espe-
ciall punishment for such as
being arraigned for felony, re-
fuse to put themselves upon the
common Tryall of God and the
Country, and thereby are
mute, or as mute in Law: See
this at large in Stamford, Pl. Cor.
fol 150.

Pannell.

PANELL comes of the French
word (panne) that is a skin
or panneau, that is, a piece, or
pane, and it signifies in our com-
mon Law a Schedule or rolle,
containing the names of the Ju-
rors which the Sheriffe hath re-
turned to passe upon any triall.
And therefore the empanelling
of the Jury is nothing but the
entering of their names into the
Sheriffs rolle.

P.

Paine fort & dure.

PAINE fort & dure est un
particuler punishment put
tiels que esteaunt arraigne put
Felony, refusoint de mettre
eux meismes sur le vñal Trial
de Dieu et le Pays; et per ceo
sont mute, ou come mute en
Ley: Veies ceo a large en Sta-
ford, pl. Cor. fol. 150.

Pannell.

PANELL venist del paroll
Francois (panne) id est;
pellis ou (panneau) id est, par-
cella; et signifie en nostre com-
mon ley, un Shedule ou rolle,
que conteyne les nosmes des
Jurors queux le Viscount ad re-
tourne de passer sur aucun triall.
Et pur ceo le empaneller del
Jury n'est riens lorsque le entry
de leur nosmes en le rolle le
Viscount.

The Exposition of

Pape.

PApe est vn auncient nosme faulxement arrogate, ou haultement vsurpe per le Euesque de l'sole Citie de Rome en Italy, et est communement appel en Anglois, le Pope, vn nosme verament mult frequent en nostre auncient annels Liuers, specialment en le temps d'ceux Roys, queux grandint abandonaunts leur imperial auctorite, et abasaunts eux mesmes mult debaïse leur estate, ne fuseront hont d' suffer vn alien et outlandish Euesque que inhabit ouster mille et cinque cent miles de eux, de estre Souueraigne de hault eux en leur Dominions demesne; et de toller de eux non solement le disposition de certain petit trifles de nul account, mes auxy le nomination de Archeuesques, Euesques, Abbots, Deanes, Prouostes, appropriations de Benefices, presentations al Parsonages, Vicarages, et generalment de tous spirituals persons a leur preferement, aucun temps per lapa, et aucun temps per prouision, au auterment, per que le Prerogatiue del roys fuit mult abridge deins leur Realmes demesne. Pur le repression de quel diuers Statutes ont estre fait, mes nul sufficient remedy tantque Roy H. le 8. tout austerment reiect eel iuge del luy et ses subiects.

Pape.

PApe is an auncient name falsly arrogated, or proudly usurped by the Bishop of the onely City of Rome in Italy, and is commonly Englished, the Pope, a name truely much frequent in our ancient ycare books, especially in the times of those Kings, who too much abandoning their Imperiaill auctorite, and abasing themselves farre beneath their Estate, were not ashamed to suffer an Alien, and an Outlandish Bishop, that dwelt aboue sixtē hundred miles from them, to bee Soueraigne over them in their owne Dominions, and to take from them not onely the disposition of certaine small trifles of none account, but also the nominations of Archbishops, Bishops, Abbots, Deanes, Prouostes, appropriations of Benefices, presentations to Parsonages, Vicarages, and generally of all spiritual persons to their preferments, sometimes by lapa, and sometimes by prouision, or otherwise, whereby the Kings Prerogative was very much abridged within their owne Realmes. For the repression whereof others Statutes were made, but no sufficient remedy untill King Henry the 8. did cast off their yoke for him and his subiects.

Parainount.

Parainount is a word compounded of two French words (par & Monter) and it signifies in our Law, the highest Lord of the fee. And for the better understanding of this see Fitz. nb. 135. M. in his writ of Mortuor.

Paravaille.

Paravaille is a word that is also compounded of two French words (Par & avaller) and signifies in our Law the lowest tenant of the fee, who is tenant to one that holdeth over of another: See so; the use of this word Fitz. nb. in his writ of Mortuor fol. 135. M.

Parceners.

Parceners are according to the course of the common Law, and according to the custome, parceners according to the common Law, are where one seized of an estate of inheritance of Tenements, hath no issue but daughters, and die, and the tenements descend to the daughters, then they be called parceners; and are but as one heire. The same law is, if he have no issue, and that his sisters should be his heires. But if a man hath but one daughter, she is not called parcener, but he

Parainount.

Parainount est un paroll composé des deux parolls François par, id est, per, et monter, id est, ascendere) et signifie en cest ley le plus hault Seigneur del fee. Et par le meilleur entendement de ceo v Fitz nb fol. 135. M. en son brieve de Mortuor.

Paravaille.

Paravaille est un paroll qui auxy est composé des deux parolls François (par, id est, per, et avaller, id est, demittere,) et signifie en cest ley le plus bas tenant del fee, qui est tenant à un qui a tenu ouster del autre. v. p. le use de cest paroll Fitz nb. en son brief de Mortuor fol. 135. M.

Parceners.

Parceners sont selonque de course de Common Ley, selonque le custome. Parceners selonque le Common Ley sont lou un seigneur de un estate de enheritance des Tenements ad issue forsque filles & deue, & les Tenements descendent à les filles, donque ils sont appelle Parceners, & sont forsque un heire. Mesme le Ley est, si n'ayt aucun issue, & que les soers serroyent ses heires. Mes si home ad forsque un fille, el n'est dit Parcener, mes el

The Exposition of

est dit la file & la heire. Et si ne sont files ne soers, les Terres descenderont a les aunts, & els sont appels Parceners.

Auxy quaut Terres descendent a diuers Parceners, els poyent fayre partition enter eux per agreement, mes si ascun de eux ne voient fayre partition, donques l'auter ou les autres aueront vn Brief *de Partitione facienda* direct al Viscount, que serra partition enter eux per le serement de xij. loys, als homes de sa Bayliwike.

Auxy partition per agreement poit este fait per le Ley, auxibien per parol sauns fait come per fait. Et si ils sont de pleine age, le partition tous iours demurrera, & ne serra vnques desere.

Mes si les Terres sont a eux en le Taile, & coment que ils sont concludes durant lour vies, vncore le issue cestuy que ad le meinder part en value poit disagreer a le partition, & enter & occuper en common ouesque l'auter part. Et auxy si les barons des Parceners font partition, quant le baron deuie, la feme poit disagreer a la partition. Auxy si le Parcener que est deins age fait partition, quaut il vient a son plein age, el poit disagreer. Mes el couient byen garder quaut el vient a son plein age q il ne preigne tous les profits a son vse demesne

is called the daughter and heire. And if there bee no daughters nor sisters, the Land shall descend to the Aunts, and they bee called Parceners.

Also when lands descend to diuers Parceners, they may make partition betwene themselves by agreement, but if any of them will not make partition, then the other or the others shall haue a Writ de Partitione facienda directed to the Sheriffe, who shall make partition betwene them by the oath of xii. lawfull men of the Bayliwike.

Also partition by agreement may be made by the law as well by word without deed, as by deed. And if they be of full age, the partition shall remaine forever, and shall not at any time be defeated.

But if the Lands bee to them in the taile, and though that they are concluded during their liues, yet the issue of him which hath the lesser part in value, may disagree from the partition, and enter and occupy in common with the other part. And also if the husbands of the Parceners make partition, when the husband dieth the wife may disagree from the partition. Also if the Parcener which is within age maketh partition, when shee cometh to full age shee may disagree. But shee must take good heed when shee cometh to her full age, that shee take not all the profits to her owne use of

the lands which wereto bee allotted, for then thee agreeth to the partition, and the age shall alway be intended the age of one and twenty years.

Also if there be diuers Parceners that haue made partition betwene them, and one of their parts bee recovered by lawfull title, then the shall compell the other to make a new partition.

Also they are Parceners according to custome, where a man is seised of lands in Gavelkind, as in Kent, and in other places franchised, and hath issue diuers sonnes, and die, then the sonnes are Parceners by customs.

Partition.

Partitiō is a diuiding of lands descended by the Common Law, or by Custome among Cohēres or Parceners, where there be two at the least, whether they be sons, daughters, Sisters, aunts, or otherwise of kin to the auncellor from whom the land descended to them.

And this Partition is made foure wayes for the most part, whereof three are at pleasure, and by agreement among them, the fourth is by compulsion.

One partition by agreement, is when they themselves diuide the land equally into so many parts as there bee of them Coparceners, and each to chuse one share or part, the eldest first, and so the one after the other, as

des terres que fueront a luy allottes, car donques el soy agree al le partition, & le plein age seif. tous foites entende al age de xij. ans.

Auxy si font diuers Parceners que ont fait partition entre eux, & le part de vn soit recouuer vers luy per title loyal, donques el compellera les autres de faire nouel partition.

Auxy ils sont Parceners selonque le custome, lou home est seisse de Terres en Gavelkind, come en Kent, & auers lieux Franchises, & ad issue diuers fils & deure, dōques l's fils sont Parceners per le custome.

Partition.

Partition est vn diuision de Terres descendus per le Common Ley, ou per Custome perenter Cohēres ou Parceners, ou ils sont deux al meines, soient ils fitz, files, soers, aunts, ou autrement de kinne al auncellour de que le Terre discende al eux.

Et cest Partition est fait quatuor voies par le plus part, de que troies sont al pleasure, & per agreement perenter eux, le quart est per compulsion.

Vn Partition per agreement, est quaut ils mesmes deuide le terre equalment en tant parts come la sont de eux coparceners, & chescun de eslier vn share, ou part, le eigne primerin, & issint l'un apres l'auter, come

The Exposition of

ils sont de age, si non que le eigne per consent fait le partition donques le election appartient al procheine, & issint al eigne d'arceinement accordant come il est dit: *Quia aq partitione, aherius est electio.*

Vn autre partition per agreement est, quant ils eslient certaine de leur amies de faire deuisiō par eux.

Le tierce partition per agreement est, per trahens de Lōis, issint: Prūperment de diuider le Terre in taunts des parts come la sont parceners, donques a scribez chef d'apart seueralment en vn petit scroll, ou pece de paper ou parchement, et de mitter ceux scrolls close en vn hat, cap, ou autre tiel semblable chose, & donques che eun parceners, vn apres autre come ils sont de age, a traher hors de ceo vn pece ou scroll en que est escript vn part del terre, que per cest trahens est ore seueralment allotte al eux en feehsimple

Le quart partition que est per compulsion, est lou un ou asceū de les coparceners voilent auer partition, & autres ne voilent agreer a ceo, donque ceux que issint voilent auer partition poient porter vn Briefe *De partitione faciēda* enuers les autres queux ne voilent faire partition, per vertue de quel ils seront compol departir, &c.

En Kent les terres sont de Gavelkind nature, ils appel a cest iour leur partition *Shif-*

they be of age, except that the eldest by consent made the partition, then the choice belongeth to the next, and so to the eldest last, according as it is said: *Who so maketh this partition, the other must haue the choice.*

Another partition by agreement, is when they chuse certaine of their friends to make diuision for them.

The third partition by agreement is, by drawing of lots, thus: first to diuise the land into so many parts as there be parceners, then to write euery part seuerally in a little scroll or pece of paper, or parchment, and to put the same scroll by close into a hat, or cap, or other such like thing, and the each parceners, one after another as they be of age, to draw out thereof one pece or scroll wherein is written a part of the land, which by this drawing is now seuerally allotted unto them in fee simple.

The fourth partition which is by compulsion is when one or some of the coparceners would haue partition, and other some will not agree thereto, then they that so would haue partition may bring a *Writ De partitione faciēda* against the others that would not make partition, by vertue whereof they shall be compelled to depart, &c.

In Kent where the land is of Gavelkind nature, they call at this day their partition *shif-*

king. even the same word that the Saxons used, namely *Shif-tan*, which signifieth to make betwixen coheires partition, and to assigne to each of them their portion. In Latin it is called *Herciscere*.

Partition also may bee made by *Joyn tenants*, or tenants in common by their assent, by deed betwixt them, or by writ by the statutes of 31. H. 8. cap. 1. and 32. H. 8. cap. 32.

Parco fracto.

Parco fracto is a writ that lies against him that breaks any pound and takes out the beasts which are there lawfully impounded. See of this *Fitz. nb. fol. 190. E.*

Parson impersonce.

Parson impersonce is hee that is in possession of a Church appropriate, or presentative, for so it is used in both cases in *Dyer fol. 40. b. and fol. 221. b.*

Parties.

Parties to a fine or deed, are those which are named in deeds, or fines as parties to it, as those that leuie the same fine, and also they to whom the fine is leuied. And they that make a deed of feoffment, and they to whom it is made, are called parties to the deed, and so

eing, il mesme parol que les Saxons vse, noismement *Shif-tan*, que signifie par faire partition percenter coheires, & par assigner a chescun de eux leur portion, en Latin est appelle *Herciscere*.

Partition auxy poit estre fait per Joyn tenants ou tenants en common per leur assent, per fait enter eux, ou per brieve per les statutes de 31. H. 8. cap. 1. & 32. H. 8. cap. 32.

Parco fracto.

Parco fracto est vn brieve que gist vers cestuy que infreint ascun pound & prist hors de ceo ascuns auers quex sont la loyamment impounds. Veies de ceo *Fitz. nb. fol. 190. E.*

Parson impersonce.

Parson impersonce est cestuy q est en possession du Eglise appropriate, ou presentative car il lunt est vse en ambideux cases en *Dye f 40. b. & f. 221. b.*

Parties.

Parties al fine ou fait, sont ceux queux sont noimes en faits ou fines come parties a ceo, come ceux queux leuy le fine, & auxy ils a que le fine ex leuy. Et ils que sont vn fait de feoffment, & ils a que il est fait sont appellees parties al fait, & il lunt

H'h 4

en

en autres semblables cases.

Nota que si vn Indenture soit fait enter deux come parties a ceo en le commencement, & en le fait vn de eux graunt ou leissa vn chose al vn autre que nest nosme en le commencement, il nest party al fait, ne prendra riens per ceo.

Passport.

PAssport est vn paroll mention en le statute 2.E.6.cap. 2. & signifie vn licence fait per aucun que ad authority pur le safe passage d'aucun home d'un lieu al autre.

Pannage ou pawnage.

Pannage ou pawnage (*pawnage*) est ceo argent que les Agistors des forests collect pur le fecter des porceles deins le forest, & est auxy prise pur tous manniere del mast des arbres deins le forest, de que les porceles feed. Veies *Manw. for. le, es cap. 12 fol 90.a.*

Patron.

Patron est celuy que ad le aduowson de vn parsonage, Vicarage, Frank chappell, ou tiels semblable Spirituall promotions appartient a son manoir, ou autrement en grosse, & per ceo poit. ou doit doner meisme le benefice, ou present a ceo quant, & cy tost que

in many other like cases.

Note that if an Indenture be made betwene two as parties thereto in the beginning, and in the deed one of them graunteth or letteth a thing to another, that is not named in the beginning, hee is not party to the deed, nor shall take any thing thereby.

Passport.

PAssport is a word mentioned in the Statute of 2. E. 6. cap. 2. and signifies a licence made by any that hath authority for the safe passage of any man from one place to another.

Pannage or pawnage.

Pannage or pawnage is that money which the Agistors of Forests do gather for the feeding of Hogs within the forest, and it is also taken for all manner of mast of trees within the forest on which the hogs doe feed. See *Manw. For. Lawes chap. 12. fol. 90. a.*

Patron.

Patron is hee that hath the aduowson of a Parsonage, Vicarage, Frank chappell, or such like Spirituall promotion belonging to his Manoir, or otherwise in grosse, and there by may or ought to give the same benefice, or present thereto, when and as often as

It falleth voyde. And this being
Parron or **Parronage**, had be-
 ginning for the most part by one
 of thre thre wayes, namely,
 either by reason of the **Foundaci-**
on, for that the **Parron** or his
Successors, or those from whom
 his claimes were founders of
 builders of the Church, or by
 reason of donation, for that they
 did endowe or give lands to the
 same for maintenance thereof,
 or else by reason of the ground,
 because the Church was let
 or builded upon their litle or
 ground: And many times by
 reason of them all thre.

il deuient voyde. Et cest este-
 aunt **Parron** ou **Parronage** ad
 commencement pur le plus
 part per vn de ceux troies voy-
 es, noismement ou *raisonne fun-*
dationis, pur ceo que le **Parron**
 ou ses **Auncestors**, ou ceux de
 que il clame furent founders
 ou edificers de le **Esglise**, ou *ra-*
tionne donationis, pur ceo que ils
 endowe ou done **Terres** a ceo
 pur maintenance, ou auterment
rationne fundi, pur ceo que le
Esglise fuit mis ou edifice sur
 leur soile ou terre. Et diuers
 temps per reason de ils tous
 troies.

Perquisites.

Perquisites are aduantages
 and profits that come to a
 manor by casualty, and not
 yearly, as **Escheats**, **Harlots**,
Reliefes, **Waifes**, **Estrayes**,
Forfeitures, **Amerciaments** in
Courts, **Wards**, **Marriages**,
 goods, and lands purchased by
 villeins of the same Manor;
 fines of copyholds, and diuers o-
 therlike things that are not cer-
 taine, but happen by chance,
 sometimes more often than at
 other times. See Perkins folio
 20. & 21.

Perquisites.

Perquisites sont aduanta-
 ges & profits queux vini-
 al vn Manor per casualty,
 & non annuelment, come
Escheats, **Harlots**, **Reliefes**,
Waifes, **Estrayes**, **Forfeitures**,
Amerciaments en courts, **gards**,
Marriages, biens, & terres pur-
 chase per villeins de le Manor,
 fine del copyholds, & diuers
 semblables choses queux ne
 sont certainne, mes happe per
 chance, ascun temps plus of en
 que a autre temps. Vide Perkins
 fol. 20. & 21.

Perambulatione facienda.

Perambulatione facienda, is a
 writ, and it lieth where
 two Lordships lie one nigh

Perambulatione facienda.

Perambulatione facienda, est
 vn Briefe, & gift lou ij.
 Seigniories gisant vn pres
 l'autre

The Expolition of

lauer, & ascun encroachment est fait per long temps, donques per assent de ambuſ Seigniors, le Viscount prendra ouesque luy les parties & les vicines, & fieront perambulation, & fieront les metres come ils fueront a deuant. Mes si vn Seignieur encroach sur l'auter, & ne voile faire perambulation, donques le Seignieur iſſint greue auera brieſe vers l'auter, que est appellee *de Ratio. nobilis diuisis*.

Peeres.

Peeres est vn paroll que en nostre Ley signifie ceux que sont impanels en vn Enquest sur ascun home pur le conuictor au acquitter de luy de ascun offence pur que il est en question. Le reason de quel appellation del Jury est pur ceo que Peeres est vn paroll Francoise, que venust del Latin (*Pares*) id est, egaills. Et le custome de nostre Nation est purtier chescun home per ses egaills, cest a sauoir, per ses peeres, & issint appert per le statutes de *Magn. Charta. cap. 29. & West. 1. cap. 6.* Cest paroll est auxy vse pur le Nobility del Realme, & les Seignours del Parliament, que sont appellees les Peeres del Realme. Et de ceo veies *Stamf. pl. coron. lib. 3. cap. 1. fol. 152.*

another, and some encroachment is made by long time. then by assent of both Lordes, the Sherriffe shall take with him the parties and the neighbours, and shall make perambulation, and shall make the bounds as they were before. But if a Lord encroch upon another, and hee will not make perambulation, then the Lord so grieved shall haue a writ against the other, which is called *de Ratio. nobilibus diuisis*,

Peeres.

Peeres, is a word that in our Law signifies those that are impannelled in an Enquest upon any man for the conuicting or clearing him of any offence for which hee is called in question, the reason of which appellation of the Jury is, for that Peeres is a French word that comes from the Latine (*Pares*) that is Equalls. And the custome of our Nation is to try euery man by his Equalls, that is to say, by his peeres, and so it appears by the Statutes of *Magna Charta cap. 29. & West. 1. cap. 6.* This word is also used for the Nobility of the Realme and Lords of the Parliament, who are called the Peeres of the Realme. And of that see *Stamf. pl. of the Crowne lib. 3. chap. 1. fol. 152.*

Printed

Perinde valere.

Perinde valere is a terme that belongs to the Ecclesiasticall Law, and it signifies a Dispensation granted to a Clerke, who not being capable of a benefice or other Ecclesiasticall function is de facto admitted to it. And it hath the name from the words which make the faculty an effectuall to the party as if he were actually capable of the thinge, which he hath his dispensation at the time of his admittance.

Per que seruitia.

Per que seruitia is a writ Juridicall endued with honor in the name of the King, and it lies for the recovery of a Manor or Seruicery, to compel him that is tenant of the land at the time of the first seizure to answer to him. And of this writ see the old ab. fol. 170. 2.

Petit Cape.

Petit Cape is a writ, and it lyeth when any Action real that is to say, of piece of land, is brought, and the tenant answers, and afterwards makes default, then this writ of Petit Cape shall goe forth to fetch the lands into the Kings hands: That if he appeare not, but maketh default at the first sum-

Perinde valere.

Perinde valere est vn terme que appartient al ley ecclesiastical, et signifie vn dispensation graunt al vn Clerke, que n'estant capable dun benefice ou autre ecclesiasticall function est de facto a ceo admis. Et ainsi cest appellation des parolls que font le faculty cy effectuall al party sicome il fuit aduallment capable del chose par que il ad son dispensation al temps de son admittance.

Per que seruitia.

Per quaservitia est vn briefe iudiciall que issint del noie du King, & gitt pur le recouery dun Manor ou Seruicery, pur compell cestuy que est tenant del terre al temps del first lease pur answerre a luy. Et de cest briefe voyez vieux ab. 170. 2.

Petit Cape.

Petit Cape est vn Briefe, & gitt quant aucun action real, estaleuee, de piece de terre est port, & le Tenant appeare, & puis fait default, donques issint cest Briefe de Petit Cape, de seiser les terres in maines le Roy: Mes sil ne appeer, mes fait default al premier summons,

The Exposition of

mons, donques issira vn *Graund cape*, & pur tiel defaulte Tenant perdra laterre, mes sil gige son ley de nōi summons, is fauer son defaulte, et donques il poit pleade ouel que le demaundaunt. Et in *Graund cape* le Tenaunt serra summon pur responder al defaulte, & ouster al demaundaunt. Mes en *Petit cape* il serra summon pur responder al defaulte solement, & nemy al demaundaunt. Et est appelle *Petit cape*, pur ceo que it ad minus en cel briefe, que en l'auter.

mons, then a *Graund cape* shall goe forth, and for such defaulte the Tenant shall lose the land. But if hee wage his Law of non summons, hee shall cause his defaulte, and then hee may pleade with the demandant. And in *Graund cape* the tenant shall be summoned to answer to the defaulte, & further to the demandant: But in *Petit cape* he shall be summoned to answer to the defaulte only, & not to the demandant. And it is called *Petit cape*, for that there is lesse in this writ, than in the other.

Petit Sericanty.

TENER per *Petit Sericantie*, est sicome vn home tient de Roy terres ou tenements, rendant a luy vn cuttel, vn escue, vn serf, vn arke sauns cord, ou auter semblable seruice, a la volunt le primer Feoffor, & la nappent gard, mariage, ne reliefe. Et nota que home ne poit tener per *graund Sericantie*, ne per *petit Sericanty*, si non del Roy.

Petit Sericanty.

TO hold by *Petit Sericanty*, is as if a man hold of the King lands or tenements, paying to him a knife, a buckler, an arrow, a bow without string, or other like seruice, at the will of the first feoffor, and there be longeth not ward, marriage, ne reliefe. And make well that a man may not hold by *graund* nor *petit Sericantie*, but of the King.

Picage.

Picage. (*Picagium*) est le payment des deniers ou les deniers paies pur le infreinder del soile pur erecter Tents ou seules en Faires.

Picage.

Picage is the payment of money, or the money payd for the breaking of the ground as set vp booches and standings in faires.

Picage

Picle or pike.

Picle or pike seemesto come from the Italian (Piccolo, Parvus) and it signifies with vs a little small close or inclosure.

Picle ou pite.

Picle ou pite semble de venir del Italian (Piccolo, parvus) & signifie ouclque nous vn petit close ou inclosure.

Pillory.

Pillory is an engine of punishment ordeined by the statute of 51. H.3. for the punishment of Bakers, but now bled for many other offenders.

Pillory.

Pillory est vn engine del penance ordein per le statute de 51. H.3. pur le punishment des Pictors, mes a ore vse pur plusors autres offenders.

Pipowders.

Pipowders is a Court which is incident to every faire, for the determination of differences upon bargaines and disorders therein. See more heretof Crom. Iurisdic fol. 229. Coke lib. 10. fol. 73.

Pipowders.

Pipowders est vn Court que est incident a chescun faire pur le determination de differences sur contrait & tous disorders en c' cōmisse. veies plus de ceo Crompt. Iuris. fol. 229. Coke lib. 10. fol. 73.

Piscary.

Piscary is a liberty of fishing in an others mans waters.

Piscary.

Piscary est vn liberty del pischer en le euee dun autre.

Placard.

Placard is a word bled in the statutes of 33. H.8. chap. 6. & 2. & 3. Ma. chap. 9. and it signifies a licence to vse vnlawfull games or to shoot in a gunne.

Placard.

Placard est vn paroll vse en le statutes de 33. H.8. cap. 6. & 2. & 3. M. c. 9. & signifie vn licence pur vsier illoyal games ou de shooter en vn bombarde.

Plaintife.

The Exposition of

Plaintife.

Plaintife est celuy que sue ou complaine en vn assise ou en vn action personal, come en vn action de det, trespass, dissein & detinue, & tiels semblables.

Pleading.

Pleading sont appellees toutes acts del parties al fines apres le count ou declaration, notamment ceo que est containe en le barre, replicacⁿ & reioynder et non ceo contein en le count m^e, et p^r ceo defaults en le matter del count, ne sont comprise deins mispleading, ou insufficient pleading, ne sont remedy per le statute de Ieofailes 32. H. 8. Mes seulement ceo mispleading, ou insufficient pleading, coramit en le bar^r, replicacⁿ, & reioynder, sont la prouide. Mes veies que ceux sont auxy ore remedies per le statute 18. Eliz. cap. 13.

Policy del Assurance.

Policy del Assurance est vn course prise per Marchants pur assurer des leur aduentures sur le mere, per donner vn certaine proportio p^rchutun pur le securer del safe retour si del neise & tant des marchandizes sur que est agreee. Et de ceo poies lier en le statute de 43. Eliz. cap. 12.

Plaintife.

Plaintife is hee that sueth or complaineth in an assise, or in an action personal, as in an action of debt, trespass, dissein, detinue, and such other.

Pleading.

Pleading be called all the sayings of the parties to the action after the count or declaration, namely that which is contained in the bar, replication & rejoinder, & not that contained in the count it selfe, & therfore defaults in the matter of that count are not comprised within mispleading, or insufficient pleading, nor are remedies by the statute of Ieofailes. 32. H. 8. But only default mispleading, or insufficient pleading, committed in the bar, replication, & rejoinder are there provided for. But see that those are now remedies also by the statute of 18. Eliz. cap. 13.

Policy of Assurance.

Policy of Assurance is a course taken by Marchants for the assuring of their aduentures upon the sea, by giving a certaine proportion in the hundred for the securing of the safe returne of the ship, & so much marchandise as is agreed upon. And of this you may read in the statute of 43. Eliz. cap. 12.

Pontage.

Pontage is a word mentioned in many Statutes: as in West. 2. cap. 25. 1. H. 8. cap. 9. & 39. Eliz. c. 24. and it signifies sometimes the contribution that is gathered for the repairing of a bridge, sometimes the toll that is paid by the passengers, to that purpose.

Pone.

Pone is a word whereby a cause depending in the County Court is removed into the common Pleas. See for this Old N. B. fo. 2. a.

Portmoot.

Portmoot is a word used in the Statute of 43. Eliz. cap. 15. and signifies a court kept in a haven or town.

Possession.

Possession is said two ways. either actual possession, or possession in Law.

Actual possession, is when a man entred in deed into lands or tenements to him descended, or otherwise.

Possession in Law, is when lands or tenements are descended to a man, and he hath not as yet really, actually, and in deed entred into them: And it

Pontage.

Pontage est vn parol mention en divers Statutes, come en West. 2. cap. 25. 1. H. 8. cap. 9. & 39. Eliz. cap. 24. & signifie aucun toits le contribution collect pur le reparation d'un pont, aucun foits le tolle que est pay per passengiers a eco purpose.

Pone.

Pone est vn briefe per que vn cause q depend en le county Court est remoué en le common Pleas. V. per ceo V. N. B. fo. 2. a.

Portmoot.

Portmoot est vn parol vsee en le Statute de 43. Eliz. cap. 15. & signifie vn court tenu en vn portville.

Possession.

Possession est dit deux voies, ou actual possession, ou possession en Ley.

Actual possession, est quant vn home enter en fait en terres ou tenements a luy descend, ou autrement.

Possession en Ley, est quant terres ou tenements sont descendu a vn home, & il n'ad vncore realment, actualment, & en fait enter en eux: Et il

The Exposition of

est appellé possession en ley, pur ceo que en le oiel, & consideration del ley, il est pense destre en possession, entant que il est teneant a chescun action que aucun voit suer concernant mesmes les terres ou tenements.

is called possession in Law, because that in the eye and consideration of the Law, he is deemed to be in possession, sozasmuch as he is teneant to euery mans action that will sue concerning the same lands or tenements.

Post disseisin.

Post disseisin, Vide de ceo deuant en le title *Affise*.

Post disseisin.

Post disseisin. Look for that before in the title *Affise*.

Postea.

Postea est le record des proceedings sur vn tryal per vn briefe de *Nisi prius*, que est retourne apres le trial per le Iudge deuant que s'it trye en le court lou l'action primerment commence, d'auer iudgement la done sur le verdict: & est appellé le Postea per ceo que, &c.

Postea.

Postea is the record of the proceedings upon a triall by a writ of *Nisi prius*, which is returned after the tryall by the Judge before whom it was tryed, into the court whete first the suit began, to haue iudgement there giuen upon the verdict: and it is called the Postea, because it begins with *Postea die & locus*, &c.

Pounds.

Pounds sont en deux sorts, lun Pound ouert, le autre Pound close.

Pound ouert, est chescun lieu en que vn distresse est mis, soit ceo common pound, tiels que sont en chescun ville ou Seigniorie, ou soit ceo backside, court, yard, pasture, ou autrement: quecunque lou le owner del distresse poit venir a doner eux viand sans offence pur leur estant la, ou son venir la.

Pounds.

Pounds are in two sorts, the one Pound open, the other close.

Pound open, is euery place wherethin a distresse is put, whether it be common pound, such as are in euery towne or Lordship, or whether it be backside, court, yard, pasture, or else whatsoeuer whither the owner of the distresse may come to giue them meat and drinke without offence for their being there, or his comming thither.

Distress that, to such a place
subpoena the owner of the distress
may not come to give them meat
and drink without offence, as
in a close house, or whatsoever
else place.

Pound close, est tiel lieu ou
le owner del distress ne peut
venir a donner eux viand sans
offence, come en un close
meison, ou quecunque autre
lieu.

Poundage.

Poundage is a subsidy to the
realm of 1 s. 6 d. in the pound,
which is granted to the King by
supremacy, as well deni-
zen as alien, for all manner of
merchandise carried out and
brought in. And of such sub-
sidies see the Statute of 1. & 2. Ed.
6. chap. 13. & 2. Ric. cap. 33.

Poundage.

Poundage est un subsidy al
valeur de douze deniers en
le liuer que est graunt al Roy
per chescun Marchant siben
denizen come alien pur toutes
manners des merchandises
exports et importa. Et des tiels
subsidies veies lestatutes de
1. & 2. E. 6. c. 13. & 2. Ric. c. 33.

Preamble.

Preamble taketh his name of
the preposition (pre) before,
and the verbe (ambulo) to goe,
so joined together, they make a
compound verbe of the first con-
jugation (preambulo) to goe be-
fore, and because the first part of
beginning of an Act, is called
the preamble of the Act, which
preamble is a key to open the
intention of the makers of the Act,
and the mischiefs which they
intend to remedy by the same;
as for example, the Stat. made in
the first year of the first Ric. 37. cap.
which giveth an Act, the
preamble of which is thus: For
as much as certain people of the
realm have been lately and give
cause to the King, and others, which
they ought not to see, whereby

Preamble.

Preamble ad son nomme de le
preposition (pre) deuant,
et le verbe (ambulo) pur va,
issint ioynt ensemble, ils font
un compound verbe de le pri-
mer conjugation (preambulo)
par vaer deuant, et de ceo le pri-
mer part ou commencement
de un Act, est appelle le pre-
amble de le Act, le quel pre-
amble est un clef de ouvrir
les mente del fons des del Act,
et les mischieues que ils ont en-
de de remede. p. ceo: Come
par exemple, le Statute fait al
Westm. le premier, le 37. ed.
que donne auant, le preamble
de qui est ainsi: Par ceo que
certain gens de la Terre dou-
rent meschance par lement fait,
que ceo ne doit pas estre, par quel

The Exposition of

tes des gents souat disherites, et
perdent leur droit, puruey, &c.

many people are disherited, and
losetheir right, it is provided, &c.

Præmunire.

Præmunire.

PRæmunire est vn briefe, et
gift lou ascun home sue as-
cun auter en Court Christian,
pur ascun chose que est deter-
minable en le Court le Roy,
et ceo est ordaine per certaine
Statutes, et graund punish-
ment a ceo ordaine, come ap-
piert per mesme les Statutes,
cestaleauoire, que il serra hors
de protection le Roy, et que
soit mis en prison sauns bayle
ou mainprise, ranque il ad fait
fineal volunt le Roy, et que
ses terres et chateux serront
forfaits si il ne veigne deins
deux mois. Auxy leur proui-
sours, procurators, attornies,
executors, notaries, et main-
tainors, serront punish en
mesme le manner, *Ides vide*
Statutum.

Auxy ascuns dient que si vn
Clerke sue auter home en court
de Rome pur chose spiritual,
lou il poit auer remedie deins
cest Realme en Court son Or-
dinarie, que il serra en le case
de le statute.

Et sur diuers autres offences
est impose per Statutes depuis
fait, le penalicie que eux incur-
re queux fueront atteints en
præmunire: Come per 31.
Eliz. cap. 8. eux que aydont a
faire corrupt bargaine sur que
Vltius est mis en oultre 19.

PRæmunire is a writ, and it ly-
eth where any man sueth any
other in the Spirituall Court,
for any thing that is determi-
nable in the Kings Court, and
that is ordained by certaine Sta-
tures, and great punishment
therefore ordained, as it appea-
reth by the same Statutes, viz.
that he shall be out of the kings
protection, and that hee bee put
in prison without baille or main-
prise, till that hee haue made
fine at the kings will, and
that his lands and goods shall
be forfeit if hee come not within
two moneths. Also their proui-
sors, procurators, and attornies,
executors, notaries, and maintai-
ners, shall bee punished in the
same manner, therefore looke
the Stat.

Also some men say, that if a
Clerke sue another man in the
Court of Rome, for a thing spi-
rituall, where he may haue re-
medy within the Realme in the
court of his Ordinary, that hee
shall bee within the case of the
Statute.

And vpon diuers other offen-
ces is imposed by Statutes lately
made, the penalty that they in-
cur which are atteined in præ-
munire: as by 13. Eliz. cap. 8. they
which are ayding to make a cor-
rupt bargaine whereupon sur-
gery

thyr is restitued about the x.ii. in hundred in the yere, &c.

li. pur le hundred en l'an, &c.

Prebend and Prebendary.

Prebend & Prebendary.

PREbend and Prebendary are terms often used in our books, and they come of the Latine (præbendo.) Prebend is that portion which every member or canon of a Cathedral Church receiveth in the right of his place for his maintenance: and Prebendary is he that hath such a Prebend.

PREbend & Prebendary sont parols plusieurs fois vus en nosre liures, et ils veignent del Latine (præbendo.) Prebend est ceo part ou portion que chescun member ou Canon dun Cathedral Esglise receiue en le droit son lieu pur son maintenance; et prebendary est cestuy q' auoit tiel prebend.

Precipe in capite.

Precipe in capite.

PRECipe in capite is a writ, and it lyeth where the tenant holdeth of the King in chiefe, as of his crowne, and he is desorced, that is to say, put out of his land, then he shall haue this writ, and this writ shall be close, and shall be pleaded in the common place.

Also if any tenant which holdeth of any Lord be desorced, he behoueth him to sue a writ of right Patent, which shall be determined in the Lords Court. But if the land be holden of the King, the writ of Right Patent shall be brought to the Kings Court: and this writ may be removed from the Lords court into the County by a Tolt, and from the County into the Common Place by a Pone: looke therfore before in the title Drou.

PRECipe in capite est vn briefe, et gist lou le tenaunt que tient del Roy en chiefe, come de sa Corone, et il est desorced, cest adire, ouste de son terre, donques il aueracest briefe, et cest briefe serra close, et serra plede en le common banke.

Auxy si aucun tenant que tient de aucun Seignior soit desforce, luy couient suer briefe de Droit patent que serra determine en le court le Seignior. Mes si le terre soit tenu del Roy, le briefe de Droit patent serra port al court le Roy. Et cest briefe poit estre remoue de la court de Seignior en le countie per vn Tolt, et de la countie en Common banke, per vn Pone: Ideo veies deuant titulo Drou.

The Exposition of

Preignotary.

PREignotary est un parol compoſé des deux polys François *prime* et *notaire*, ou des deux parols Latinoiſ (*præ* et *notarius*) et eſt uſé en noſtre ley par le chiefe Clarkeſ des courtſ le Roy, dont la eſt vn en banke le Roy, et trois en le common banke. Ceſuy en banke le roy record tous actions ciuils ſues en ceo courtſ et ceox del common banke inrolle tous declarations, pleadings, et iudgements; et ſont hors tous iudiciall briefes, ils inrolle tous fines et recogniſances, et exemplifient tous records meſme le terme deuant que les rolles ſont baile hors de leur maines.

Prescription.

PREscription eſt quauant vn perſon clayme aſcun choſe, pur ceo que il, ſes anceſtours, ou predeceſſours, ou eux que eſtate il ad, ont euy ou uſé aſcun choſe dont nul memorie eurt al contrary.

Mes ne poit preſcribe encounter vn eſtatute, ſinon que il ad auter ſtatute que ſerue pur luy.

Preſentment.

PREſentment eſt equiuocum: l'un eſt preſentment al Biſhipe, quel quauant aſcun

Preignotary.

PREignotary is a word compoſed of two french words, (*prime* & *notaire*) or of two Latine words (*præ* & *notarius*) and it is uſed in our Law for the chiefe Clerken of the Kings Courts, whereof there is one in the Kings Bench, and three in the Common Place. He in the Kings bench records all actions ciuill ſued in that court: & they of the Common place inroll all declarations, pleadings, & iudgments, and make out all iudiciall writs, they inroll all fines and recogniſances, and exemplifie all records the ſame terme beſore that the Rolles be deliuered out from their hands,

Prescription.

PREscription is when a man claimeth any thing, for that he, his anceſſors, or predeceſſors, or they whole eſtate hee hath, haue had, or had any thing all the time, whereof no mind is to the contrary.

But one may not preſcribe againſt a ſtatute, except hee haue another ſtatute that ſetteth for him.

Preſentment.

PREſentment is of two ſignifications: one is preſentments to a Church, which when any man

man which hath right to give any benefice spirituall, and nameth the person to the Bishop to whom he will give it, and maketh a writing to the Bishop for him, that is a presentation or presentment. But if diuers lordes may not agree in presentment, the presentee of the eldest shall be admitted. But of ioyntenants and tenants in common, if they agree not within six moneths, the Bishop shall present by lyps.

The other is a presentment or information by a Jury in court, before any Officer which hath authority to punish any offence done contrary to the law.

Pretensed Right or Title.

Pretensed Right or Title is where one is in possession of lands or tenements, and another who is out of possession, claimeth it, and saith for it: Now the pretended right or title is said in him who so doth sue and claim. And if he afterward cometh to the possession of the same lands or tenements, his right or title is annexed to the land and possession, and not then called right.

Primer seisin.

Primar seisin is used in the common law for a branch of the Kings prerogative, by which he hath the first possession, that is

home que ad droit a doner aucun benefice spirituel, et nomme le person al Euesque a que il voit le doner, et fait un leter al Euesque par luy, ceo est un presentation ou presentment. Mes si diuers coheires ne poyent accorder en presentment, le presentee de leigne sera admettre. Mes de ioyntenants et tenants en common, si ils ne accordant deins les sixe moys, le Euesque presentera per lyps.

L'autre est un presentment ou informatiō p aucun iurie en un court, deuant aucun officer la q ad auctorite de punisher aucun offence fait contrary le ley.

Pretensed droit ou Title.

Pretensed droit ou titre est l'on vn est en possession de terres ou tenements, et un autre que est hors de possession, clame ceo, ou sue par ceo: Ore le pretendu droit ou titre est dit en luy, que issint sue ou clame. Et si il puis vient a le possession de meismes les terres ou tenements, son droit ou titre est annexe al terre et possession, et nient donque appel droit.

Primer seisin.

Primar seisin est use en la common ley par un branch del prerogative le Roy par que il ad le primer possession, cest a sa-

The Exposition of

noir, les intire profits par vn an des tous les terres et tenements dont son tenant (que tenuit de luy en chiefe) moult seisie en son demesne come de fee, son heirt adonque effiant de plein age: et ceo la roy prist en lieu des intire profits queux il poit prender sil voit tanques liuery soit sue, ou al meins render. *V. lestat. Prerog. Reg. cap. 3. & Stamford. 11.*

Prisage.

Prisage est ceo part ou portion que appertene al Roy hors des quel merchandizes queux sont prises al mere per pay de loyal prize. Et cest parol vous trouuers en lestat. 31. *Eliz. cap. 5.*

Prisage des vins.

Prisage des vins mention en lestat. 1. *H. 8. cap. 5.* est vn custome per que le roy hors chescun barke lade oue vine south 40. Tunne, claime d'aueir deux Tun a son price demesne.

Prinie ou priuites.

Prinie ou priuites est lou vn lease est fait a tener a volunt, par ans, par vie, ou vn feoffement en fee, et en diuers autres cases, ore per cause de ceo que ad passe perentier ceux parties, ils sont appellus priuites, en respect de straungers,

to say, the intire profits for a yeare of all the lands and tenements wherof his tenant (that held of him in capite) died seised in his demesne as of fee, his heire then being at full age: and this the king takes in lieu of the intire profits which he may take if he will until it may be sued, or at the least rendered. *Stat. of Prerog. Regis chap. 3. & Stamford fo. 11. b.*

Prisage.

Prisage is that part or portion that belongs to the king of such merchandises as are taken at sea by way of lawfull prize. And this word you shall finde in the Statute of 31. *Eliz. cap. 5.*

Prisage of wines.

Prisage of wines mentioned in the Stat. of 1. *H. 8. cap. 5.* is a custome by which the king oue of euery barke laden with wine under forty Tunne, claimes to haue two tun at his own price.

Priue or priuites.

Priue or priuites is wher a lease is made to hold at will, for yeares, for life, or a feoffement in fee, and in diuers other cases, now because of this that hath passed betwixen these parties, they are called priuites, in respect of straungers, betwixen whom

in whom no such dealings or conveyances hath bene.

Also if there be Lord and tenant, and the tenant holdeth of the Lord by certain service, there is a privity betwene them, because of the tenure, and if the tenant bee disseised by a stranger, there is no privity betwene the Disseisor and the Lord, but the privity shall remaineth betwene the Lord, and the tenant that is disseised, and the Lord shall avow upon him, for that he is his Tenant in right, and in the judgement of the law.

Privies are in diuers sorts, as namele. Privies in estate, Privies in deed, Privies in law, Privies in right, and Privies in blood.

Privies in estate, is where a lease is made of the mannor of Dale to A. for life, the remainder to B. in fee, there both A. and B. are Privies in Estate, for their estates were both made at onetime.

And so it is in the first case here, where a lease is made at will, for life, or yeares, or a feoffment in fee, the lessee or feoffee are called privies in estate, and so are their heires, &c.

Privies in Deed, is where a lease is made for life, and afterward by another Deed the reversion is granted to a stranger in fee, this grantee of the reversion is called privy in Deed, because he hath the reversion by Deed.

perenter queux nul tiel conveyances ad estre.

Auxy si soit Seignior & Tenaunt, et le Tenaunt tient del Seignior per certaine service, il y ad vn priuie perenter eux per cause de Tenure, et si le tenaunt soit disseise per vn estrangeur, il ad nul priuie perenter le disseisor & le Seignior, mes le priuie vncore demure perenter le Seignior & le tenaunt que est disseise, & le Seignior auowrer sur luy, pur ceo que il est son tenant en droit et en le iudgement delley.

Privies sont en diuers sortes, come noshement, priues en estate, priues en fait, priues en ley, priues en droit, & priues en kinke.

Privies en Estate, est lou vn Lease est fait del mannor de Dale al A. pur vie, le remainder al B. en fee, la & A. & B. sont priues en estate, car leur estates fuer fait ambideux al vn temps.

Et issint est en le premier case cy, ou vn lease est fait al volant, pur vie, ou ans, ou vn feoffment & fee, les lessee ou feoffees sont appel priues & estate, & issint sont leur heires, &c.

Privies en Fair, est lou vn Lease est fait pur vie, & apres per vn autre fait le reversion est graunt al vn estrangeur en fee, cest grauntee del reversion est appel priuie en Fair, pur ceo que il ad le reversion per Fair.

Privie

The Exposition of

Prinie en Ley, est lou il est Seignieur & tenant, le tenant lessale tenancie pur vie & mort sans heire, & le reuection escheate al Seignior, il est dit priuie en Ley, pur ceo que il ad son estate solement per la ley, cest adire, per escheate.

Prinie en droit, est lou vn possesse dun terme p̄ ans, grant son estate al vn autre sur condition, & fait les executors, & mort, ore ceux executors sont priuies en droit, car si le condition soit infreint, & ils entrent in le terre, ils aueront ceo en le droit de leur testator, et a son vse.

Prinie de sauue, est le heire de le feoffor ou donoz, &c.

Item si vn fine soit leuie, les heires de celui que leuie le fine sont appel Priuies.

Priviledges

Priviledges sont liberties et franchises, grantez al vn, office, lieu, ville, ou mannor, per le grand charter del roy, lettres patentes, ou act de Parliament, come Toll Sake, Socke, Infangthiefe, Outfangthiefe, Tunnage, Ordelle, & diuers tiels semblables, pur queux yeies en leur proper titles et lieux.

Proces

Proces sont les briefes et process que assent sur le ori-

Prinie in Law, is wher there is Lord and tenant, the tenant lesseth the tenancy for life, and dyeth without heire, and the reuerſion escheates to the Lord, he is said priuie in Law, because that he hath his estate onely by the law, that is to say, by escheat.

Prinie in right, is wher one possessed of a terme for yeares, granteth his estate to another upon condition, and maketh his executors, and dyeth, now these executors are priuies in right, for if the condition bee broken, and they enter into the land, they haue it in the right of their Testator, and to his ble.

Prinie of blood, is the heire of the feoffor or donoz, &c.

Also if a fine be leuied, the heires of them that leuied the fine are called Priuies.

Priviledges

Priviledges are liberties and franchises granted to an office, place, towne, or mannor, by the kings great charter, letters patents, or act of Parliament: as Toll, Sake, Socke, Infangthiefe, Outfangthiefe, Tunnage, Ordelle, and diuers such like, for which looke in their proper titles and places.

Proces

Proces are the writs and process that go upon the original.

mis en prison sans baile ou mainprise, par ceo que il ad fait contempnt encounter le ley.

Auxy sont autres procces et briefes indiciales, come *Capias ad valentiam*, *Fieri facias*, *Seire facias*, et plufors autres : et ideo vide ceux en leur titles.

Procheins amy.

Procheins amy, est communement prise pur Gardian en Socage, et est lou vn home seife de terres tenus en socage morust, son issue deins age de 14. ans, donques le procheins de sank a que les terres ne poi-ent yener ou discender, aura le gard del heire, et del terre, al vse solement del heire, tanque il vient al age de 14. ans : Et donques a tiels ans le heire poit enter et luy ouste, et amesner luy de accompt. Mes en cest accompt il auera allowance pur toutes reasonable costs et expences bestow sur le heire ou son terre.

Et le procheins amy ou procheins de sank a que le inheritance ne poit discend, est isint desheir et ende: Si les terres discende al heire de son pere, ou a loun del sank del part son pere, donques le mere, ou auer del part, le mere, sont appellee procheins de sank, a que le enheritance ne poit discender, car duntant que il isint discendra, il plus tost escheat al Seignior de q il est tenu,

put in prison without baile or mainprise, for that he hath the Law in contempt.

And there be other procces and writs indicial, as *Capias ad valentiam*, *Fieri facias*, *Seire facias*, and many other; and therefore seeke for them in their titles.

Next friend.

Next friend, is commonly taken hence; *Wactian in Socage*, and is taken: a man seife of land holden in Socage, by the blessing within age of 14. years, then he next friend, or next of kinne, to whom the lands cannot come or discend, shall have the keeping of the heire, and of the land, at the only life of the heire, until he come to the age of 14. years: And then at that years he may enter and put him out, and bring him to accompt: But in that accompt he shall be allowed for all reasonable costs and expences bestowed either upon the heire or his land.

And the next friend or next of kinne, to whom the inheritance cannot discend, is thus to be understood: If the lands descend to the heire from his father, or any of the kinne of his fathers side, then the mother, or other of the mothers side, are called the next of kinne; to whom the inheritance cannot discend, for before that it shall so discend, it shall rather escheat to the Lord of whom it is holden.

And it is to be understood
in heretofore to the heir
from his mother, or any of the
kith of his mothers side, then
the father or other of the fathers
side recalled the next of kinne,
to whom the inheritance cannot
descend, but shall rather escheat
to the Lord of whom it is
holden.

Prochein. Prochein amy is
he which apperteyneth in any court
for an infant which sueth any
action, and aperteyneth the infant to
pursue his suit: whereof see the
Statutes of Westm. 1. cap. 47.
and Westm. 2. cap. 15. that an
infant may not make an attor-
ney, but the Court may admit
the next friend to the plaintiffe,
and a Guardian for the infant
besides his Attorney.

Procedendo.

Procedendo is a writte, and is
used where any action is sued
in one Court, which is removed
to a Court more high, as to the
Chancery, Kings Bench, or
Common place, by a writte of
priviledge of Certiorare, and if
the defendant upon the matter
shewed have no cause of privi-
ledge, or if the matter in the
Bill whereupon the Certiorare
is used be not well proved, then
the plaintiffe shall have this writte
of **Procedendo**, for to send againe
the matter unto the first base
Court, and there to be deter-
mined.

Et issint est destre entende
lou les terres vient al heire de
sa mere, ou aucun auter de
sanke del part sa mere, donque
le pere ou auter del part soit
perc sont appelle le prochein
de sanke, a que le enheritance
ne poit descend, mes plus tost
escheatef al Seignior de que il
est tenu.

Auterment **Prochein amy** est
celuy que appiert en aucun
Court pur vn enfant que sue
aucun action, et que ayde le
enfant de poursuivre son suit: dont
vide les statutes de West. 1. cap. 47.
et West. 2. cap. 15. que vn en-
fant ne poit faire Attorney,
mes le Court poit admettre le
prochein amy pur le plaintiffe,
et vn Guardian pur le enfant
des come son Attorney.

Procedendo.

Procedendo est vn briefe, et
gist lon aucun action est sue
en vn Court, que est remoue
a vn plus hault, come al Chan-
cerie, banke le Roy, ou Com-
mon bank, per Briefe de pri-
viledge ou **Certiorare**, et si le
defendant sur le matter mon-
stre, nad cause de priviledge, ou
si le matter en le Bill sur que
le **Certiorare** issint ne soit bien
proove, donques le plaintiffe
aura cest briefe de **Proce-
dendo**, pur remaunders le
matter al primer base Court,
et la destre determine.

Proclamation.

Proclamation est vn notice ad pertment done de ascun chose de que le Roy soy pleior d'aduertir ses subiects, il s'unt il est vlc *Anno 7. R. 1. cap. 6.* *Proclamation de rebellion*, est vn couert notice done per le Oficer, que vn home nient aparant sur vn *Subpoena* ou Attachment en le Starchamber ou Chancery, sera repete deeste vn rebel, s'imon q' il luy meisme render al iour assigne. *Crompt. Jurisd. fol. 92.*

Et est destre obserue, que nul poit faire Proclamation me p' authoritie del Roy, ou Maiors, et huiusmodi que ont priuiledges en Citie et Boroughes de eco faire, ou ont eco vlc per custome. Et pur ceo ou vn executor fist pclamation en certaine marke Villes que les creditors veignera per certaine iour, et clama et prouera leur detis due per le Testateur, et pur ceo que il eco fist sans authority, il fuit commit al Fleet et mise a vn fine. *Brook. Proclamation 10.*

Prohibition.

Prohibition est vn briefe, q' est leu home est employe est Court Christian de chose que ne touch matrimonie ne testam't, ne meurement dismes, mes que touch le corone n'ostre

Proclamation.

Proclamation is a notice pub'lished by the King touching govt to aduertise his subiects, so is int'pled *Anno 7. R. 1. cap. 6.* *Proclamation of rebellion*, is an open notice giuen by an officer, that a man not appearing vpon a *Subpoena* or Attachment in the Starchamber or Chancery, shall be reputed a rebel, except hee render himselfe at the day assigned. *Crompt. Jurisd. fol. 92.*

And it is to be noted, that no man may make proclamation but by authority of the King, as *Mayors*, and such like as haue priuiledges in Cities and Boroughes so to doe, or haue it by custome. And therefore where an executor made proclamations in certaine marked Townes that the creditors should come by a certaine day, and claime and proue their debts due by the testator, and because hee did this without authority, he was committed to the Fleet and fined. *Brook. Proclamation 10.*

Prohibition.

Prohibition is a writte, wherby is com'anded that no man should sue in the Spiritual Court touching that toucheth the Matrimony, nor testament, nor mesuagium, but that toucheth the King's

Things crowne, and this Writ shall be directed on still to the party, as to the Judge, or his Official, to prohibit them that they pursue no further. But if it appears afterward to the Judges temporal, that the matter is to be determined in the spiritual court, and not in the court temporal, then the party shall have a writ of Consultation, commanding the Judges of the court spiritual to proceed in the first place.

Propertie.

PROPERTIE is the highest right that a man hath, or can have to any thing, which no man can take from him without his consent: And this none in this kingdom can be said to have in any lands or tenements, but only the King in the right of his crown, because that all the lands throughout the Realme, are in nature of fee, and hold mediately or immediately of the crown. This word nevertheless is used for such right in lands and tenements as common persons have in the same. And there are three manner of rights of property, that is to say property absolute, property qualified, and property possessory: Of which see at large, Coke lib. 7. C. 6. de Swans, fol. 17.

Seignieur le Roy, et cest brief sera direct aux Juges al partie come al Iudge, ou son Official, de eux prohiber q' ils ne poursuivent ouster. Mes si il apparoit apres a les Juges temporal, que le matter est de estre determinee en le spiritual court, ou nemy en le court Temporal, donque le party auec vn brief de Consultation, commandant les Iudges de le Court spiritual de proceder en la premier place.

Propertie.

PROPERTIE est le plus alt droit que home ad ou poit auer al aucun chose, que riens depend sur le courtise d'aucun autre home: Et ceo nulluy en cest Realme poit estre dit d'auoir en aucun terres ou tenements, forsque solement le roy en le droit de son Corone, par ceo que tous les terres per le Realme sont en le nature de fee, et tiendront mediatment ou immediatment del Corone. Cest parol nient obstant est vse pur tiel droit en terres et tenements q' common persons ont en m. Et la sont trois maners de droits de perty, cest a scauoir, property absolute, property qualified, & property possessory, de quux veies alarge, Coke lib. 7. C. 6. de Swannes fol. 17.

The Exposition of

Proprietarie.

PRoprietarie est celuy que ad vn proprietie en aucun chose, mes il est plus communement vse par luy que ad les profits dun benefice a luy et ses heirs, ou a luy mesme et les successeurs, come en temps par deuant Abbots et Priors auoient a eux et leur successeurs.

Protection.

PRotectiō est vn briefe, & gift lon home voit passer ouster le mere in le seruice le Roy; donques il auera cest briefe, et per cest briefe il serra quite de tous manner des ples enter luy et aucun autre person, except ples de dowder, *Quare impedis, Assise de Nouel disseisin, Ultima presentationis, & Attaints*, & ples deuant Iustices en Eyre. Mes sont deux briefes de protection, vn *Cum clausula volumus*, et lautre *Cum clausula nolimus*, vt appiert en le Register. Auxy Protection ne serra allow en aucun plee commence deuant le date de la Protection; si ne soit en vyages ou le Roy mesme passa, ou autres vyages royaux, ou en message le roy pur besoignes de Realme. Auxy protection ne serra allow pur vitailles achates pur le vyage, dont le protection fait mention, ne in ples de trespass, ou de contracts fait

Proprietary.

PRoprietarie is he that hath a proprietie in any thing, but it is most commonly used for him who hath the profits of a Benefice to him and his heirs, or to himselfe and his successors, as in times past Abbots and Priors had to them and their successors.

Protection.

PRotectiō is a writ, and it lyeth where that a man will passe ouer the sea in the Kings seruice, then he shall haue this writ, and by this writ he shall be quit of all manner of ples betwixt him and any other person, except ples of dowder, *Quare impedit, Assise of Nouel disseisin, Darrein presentment, and Attaints*, and ples before Justices in Eyre. But there bee two writs of protection, one *Cum clausula volumus*, and another *Cum clausula nolimus*, as appereth in the Register. Also a protection shall not be allowed for any plee begun before the date of the protection, if it be not in voyages where the King himselfe shall passe, or other voyage royaux, or in messages of the king for affaires of the realme. Also a protection shall not be allowed for viual bought for the voyage, whereof the protection maketh mention, nor in ples of trespass;

trespass, or of contracts made after the date of the protection.

But note, that any may attach or begin any action real against him that hath such protection, and therein proceed until the defendant cometh and sheweth his protection in the Court, and hath it allowed, and then his plea or suit shall go without day. But if after it appeareth that the party which hath the protection goeth not about the affaires for which he hath it, then the demandant shall have a repeale thereof. And if he goe and returns after the businesse ended, the demandant shall have a resummons to recontinue the former suit.

puis le date de mesme le protection.

Mes nota, que aucun poit attacher ou commencer aucun action real vers cestuy que ait tel protection, et en ceo proceder tanq le defendant veigne et montre son protection en le Court, et ait ceo allow, et donque son plea ou suit sera mis sauns iour. Mes si apres il appiert que le party que ad le protection ne ala entour le besoigne pur que il ait ceo, donques le demandant au f vn repeale de ceo. Et sil va et retourne apres le besoigne finie, le demandant auera vn resummons de recontinue le former suit.

Protection.

Protection is a forme of pleading when any will not directly affirme, nor directly deny any thing that is alledged by another, or which he himselfe alledgeth. And is in two sorts; One is, when one pleadeth any thing which he doeth not directly affirme, or that he cannot plead it for doubt to make his plea double: As if in conveying to himselfe a title to any land, he ought to plead diuers descents by diuers persons, and he dare not affirme that all they were seised at the time of their death, or although he could do it, it shall be double to plead two descents, of both which euer yone by him-

Protection.

Protection est vn forme de pleading quauant aucun ne voit directement affirmer, ne directement denier aucun chose quel est alledge per autre, ou que il mesme alledge. Et est en deux maners; lun est, quant vn pleade aucun chose que il ne osast directement affirmer, ou que il ne peit ceo pleader pur doubt de faire son plea double; Come si en conveying a luy title al aucun terre, il doit pleader diuers descents per diuers persons, et il nosast affirmer que eux toutes fueront seises al temps de leur mort, ou comment il ceo purroit, ceo sera double a plead deux descents,

The Exposition of

de ceux ambideux chescun a-
perluy poit estre bone barre :
Donques le defendaurit doit
pleader & alledge le matter,
interlacing cest parol *protestan-*
do, come adire, que tiel obit
(*protestando*) scilicet, &c. Et ceo
est destre alleadge per protesta-
tion, & nemy trauersable per
l'auter. Auter protestation est,
quant vn est de responder al
deux choses, & ramen per le
ley il doit plead forsque alun,
donques en le primer part del
plee, il dira, al vn matter *prote-*
stando, & *non cognoscendo*, cel
matter estre voyer, & faire son
plee ouster per ceux parols, *Sed*
pro placito dicit, &c. & ceo est
pur saluation al partie (que il
fint pleade per protestation)
destre conclude per aucun mat-
ter alleadge ou obiect encoun-
ter luy, sur que il ne poit ioy-
ner issue : Et nest auter chose
mes vn exclusion del conclusi-
on, car il que prist le protesta-
tion exclude l'auter partie de
concluser luy. Et cest protesta-
tion doit estoyer oue le sequel
del plee, & nemy destre repug-
nant, ou auterment contrarie.

Prouision.

P*rouision* est vse ouesque nous
come est en le Canon Ley
pur le prouider dun Euesque
ou auter Ecclesiastical person
dun Ecclesiastical benefice per
le Pape deuant que lincumbent
de ceo soit mort, le grand abuse

It may be a good barre: When
the defendant ought to plead and
alledge the matter, interlacing
this word *Protestando*, as to say,
that such a one dyed (by protes-
tation) scilicet, &c. and that is to
be alledged by protestation, and
not to be traversed by the other.
Another protestation is, when
one is to answer to two matters,
and yet by the law he ought to
plead but to one, then in the first
part of the plea, he shall say to
the one matter, *protestando*, and
non cognoscendo; this matter
to be true, and make his plea
further by these words, *Sed*
pro placito dicit, &c. and this
is so; saving to the party (that
so pleadeth by protestation) to
be concluded by any matter al-
ledged or objected against him,
upon which he cannot ioyne is-
sue: And is no other thing but
an exclusion of the conclusion,
so; he that taketh the protes-
tation excludes the other party
to conclude him. And this pro-
testation ought to stand with
the sequel of the plea, and not
to be repugnant, or otherwise
contrary.

Prouision.

P*rouision* is used with us as
it is in the Canon Law for
the prouiding of a Bishop or of
ther Ecclesiastical person of
an Ecclesiastical living by the
Pope before that the incumbent
of it be dead, the abuse wherof
is

by the Pope appears by all the statutes that have bene made in all ages from the time of E. 3. to the reigne of H. 8. for the auoyding of such prouisions,

de que per le Pape appiert per tous les statutes que ont eistre faits en tous ages del temps E. 3. tanque le reigne de H. 8. per le auoyd des tiels prouisions.

Prouiso.

Prouiso is a condition inserted into any deed, vpon the performance whereof the validity of the deed consisteth, sometimes it is onely a covenant, whereof see Coke li. 2. in the Lord Cromwells case. It hath also another signification in matters iudicial, as if the Plaintiff or Demaundant desireth in prosecuting an action, and bringeth it not to tryall, then the Defendant or Tenant may take forth the Venire facias to the Sheriffe, which hath in it these words, Prouiso quod, &c. to this end, that if the Plaintiff taketh out any writ to this purpose, the Sheriffe shall summon but one Jury vpon them both. See old Natura Breuium in the writ Nisi prius, fo. 159.

Purchase.

Purchase is the possession that a man hath in lands or tenements by his owne act, meane, or agreement, and not by title of descent from any of his ancestors. See Littleton lib. 1. cap. 1.

Prouiso.

Prouiso est vn condition ensert en aucun fait, sur le performance de que tout le vigour del fait consista, aucun fois il solement est vn couenant, da que veies *Coke lib. 2.* en le Seignior *Cromwells case.* Il ad auxy vn autre signification en choses iudicial, come si le plaintife ou demaundant delays de prosecute vn action, & ne eport al tryal, donque le Defendaunt ou Tenaunt poit prender hors le *Venire facias* al Viscount, que ad en ceo ceux parols, *Prouiso quod, &c.* a cest fine, que si le plaintife prist hors aucun brieve a cel purpose, le Viscount ne gamera forsque yn lurie sur eux ambideux. Veies veiel *Nat. Br.* en le brieve *Nisi prius fol. 159.*

Purchase.

Purchase est le possession que vn home ad en terres ou tenements per son act demesne, meanes, ou agreement, & nemy per title de descent de aucun de ses auncelours. Veies *Littleton lib. 1. cap. 1.*

K k

Pan

The Exposition of

Purlue.

Purlue est tout cest terre que est procheine aucun forrest que esteant fait forrest per Henry le second, Richard le premier, ou Jean le Roy, fust per perambulations grantus per Henry le tierce seuere arere del mesme. Mounseigneur *Manwood part. 2. de ses forrest leyes Cap. 20.* Et semble que cest parol est fait ou de pouralle, ceo est, *perambulare*, ou purelieu, ceo est, *purus locus*, pur ceo que tiels terres queux fueront per ceux royes subiect al leyes & ordinnances del forrest, sont iammes cleire et franke del mesme: Come les Ciuiilians appel ceo *purum locum qui sepulchrorum religioni non est obstrictus*, en m le maner ceo puit estre appel pure lieu p ceo q est exempt del seruitude ou thraldome que fust par deuant sur ceo impose.

Purlie home est cestuy que ad terres deins le purlieu, & esteant able a dispendre 40. soulz per l'an de franktencement, et sur ceux deux choses licence de chaser en son purlieu demesne. *M. Manwood part. 1. pag. 151. & 177. V. lesstatute 1. lac. cap. 27.*

Purpresture.

Purpresture est vn parol deriue de Francois (*Pourpris*) que signifie de prendre del

Purlue.

Purlue is all that ground which is neare any forrest, which being made forrest by Henry the second, Richard the first, or king Iohn, were by perambulations granted by Henry the third, seuered again from the same. *Master Manwood part. 2. of his forrest lawes, cap. 20.* And is samethat this word is composed either of pouralle, that is, to goe or walke about: or purlieu, that is, a pure place, because that such lands which were by those kings subiect to the lawes and ordinnances of the forrest, are now clered and freed from the same: as the Ciuitians call that A pure place, which is not subiect vnto burials, so like wise this may be called a pure place, because it is exempted from the seruitude and thraldome which was formerly lath vpon it.

Purlie man is he that hath lands within the purlieu, and being able to dispend forty shillings by the yeare of freehold, is vpon these two points licensed to hunt in his owne purlieu. *Master. Manwood part. 1. pa. 151. & 177. See now the stat. made 1. lac. cap. 27.*

Purpresture.

Purpresture is a word deriued from the French (*Pourpris*) which signifies to take from

another and to appropriate to himselfe, and therefore a purpresture in a generall sense is taken; any such wrong done by one man to another. Purpresture in a feoffment, is every encroachment upon the feoffment of the King, be it by building, inclosing, or taking of any liberty without a lawful warrant to doe. And of this see *M. Manwood* in his *For. lawes*, chap. 10. fo. 74. a.

auter et par approprier a luy-mesme, et par ceo vn purpresture en vn general sens est prise par aucun tiel tort fait par vn homme a l'auter. Purpresture en vn feoffment, est chescun enchroachment sur le feoffment le Roy, soit ceo par edifier, incloser, ou peruer ser d'aucun liberte ou priuiledge sans vn l'oyal garant issint faire. Et de ceo voyez *M. Manwood For. l'w. cap. x. fo. 74. a.*

Q.

Quale ius.

Qualitum is a writ, and it lyeth where an Abbot, Prior, or such other, should haue iudgement to recover land by the default of the tenant against whom the land is demanded, then before iudgement giuen, or execution awarded, this writt shall goe forth to the Escheator to enquire what right he hath to recover: And if it be founde that he hath not right, then the Land which should haue the land, if the Tenant has aliene in mortmain, may enter as into land aliene into mortmain, for when losing by default is like to an alienation: And the statute Westm. 2. cap. 32.

But a writt Ad quod damnum lyeth where one will giue

Q.

Quale ius.

Qualitum est vn Brieft; et gist lou aucun Abbot, Prior, ou tiels auters, aueront iudgement de recouuer terre per le default del tenant vers que le terre est demande, donque deuant iudgement done, ou execution agard, cest brieft iuera al Escheator pur enquier quel droit il ad a recouuer: Et si soit trouue que il n'ad droit, donques le Seigneur que duit auer le terre, si le Tenant est alien en mortmain, peut entrer come en Terre alien en mortmain, car cel perdre per default est semble a vn alienation. Vide le statute Westmister le second, cap. 32.

Mes vn Brieft de *Ad quod damnum* gist lou vn voile doner

K k a terres

The Exposition of

terres al meſon de Religion,
donques ceſt briefe iſſera al
Eſcheatour, pur enquirer de
que value le terre eſt, et quel
preiudice il ſerra al Roy.

lands to an houſe of Religion,
then this Writ ſhall goe forth to
the Eſcheatour, to enquire of
what value the land is, & what
preiudice it ſhall be to the King.

Qua plura.

Q*ua plura* eſt vn briefe, que
giſt en caſe lou le Eſchea-
tor ad troue vn office *vir-
tute officii* apres le mort le te-
nant le roy, & nad troue tous
les terres des queux il moruſt
ſeiſie adonques ceſt briefe iſ-
ſera en nature d'un *Melius in-
quirendo*, pur trouver queux ter-
res il auoit pluſors. Veies de
ſeo Fitz. N. B. fo. 255 a.

Qua plura.

Q*ua plura* is a Writ that
lyes in caſe where the Eſ-
cheatour hath found an of-
fice after the death of the things
tenant *Virtute officii*, and hath
not found all the lands of which
he ſhould ſeiſed, then this Writ
ſhall iſſue in nature of a *Melius*
inquirendo, to find what lands
he had more. See of this Fitz.
N. B. fo. 255 a.

Quare eiecit infra terminum.

Q*uare eiecit infra terminum*
eſt vn Briefe, & giſt lou
vn fait Leaſe a vn auter
pur terme d'ans, et le leſſour
enfeoffa vn auter, et le feoffee
ouſta le termour, donques le
termour auera ceſt briefe vers
le feoffee. Mes ſi vn auter e-
ſtraunger ouſte le termour
donques il auera Briefe *De e-
iectione firme* vers luy. Et en
ceux deux briefes il recouera
le terme & ſes dampnages.

Quare eiecit infra terminum.

Q*uare eiecit infra terminum*
is a Writ, & it lyeth where
one maketh a leaſe to ano-
ther for terme of yeares, and the
leſſor infeoffeth another, and the
feoffee putteth out the termour,
then the termour ſhall haue this
Writ againſt the feoffee. But if
another ſtranger put out the
termour, then he ſhall haue a
Writ *De eiectione firme* againſt
him. And in theſe two writs he
ſhall recouer the terme and his
damages.

Qua

Quare impedit.

Quare impedit is a writ, and it lyeth where I haue an Advowson, and the Parson dieth, and another presenteth his Clerke, or disturbeth me to present, then I shall haue the said writ. But Assise de darreine presentment lyeth where I or my ancessours haue presented before. And where a man may haue an Assise de darreine presentment, he may haue a Quare impedit, but not contrariwise.

Also if the plee be depending betwene two parties and be not discussed within sixe moneths, then the Bishop may present by laps, and he that hath right to present, shall recover his damages, as it appeareth by the statute of Westm. 2. cap. 5. therefore see the statute. Also if hee that hath right to present after the death of the Parson, and bytyngeth no Quare impedit, nor Darreine presentment, but suffereth a stranger to usurpe vpon him, yet he shall haue a writ of right of Advowson: But this writ lyeth not, vnieste he clayme to haue the Advowson to him and his heires in fee simple.

Quare impedit.

Quare impedit est vn briefe, et gist lou ico ay Advowson, et le Parson deuie, et vn auter presenta son Clerke, ou disturbe de presenter, donques ico auera le dit Briefe. Mes Assise de Darreine presentment gist lou ico ou mon auncestours ount present deuuant. Et lou home poit auer Assise de darreine presentment, il poit auer vn Quare impedit, mes nemy contrarie.

Auxy si le plee soit dependant enter deux parties, et ne soit discussé deins vi. moys. donque le Euesque presentera per laps, et cestuy que ad droit de present, recouera dammages, come appiert per le statute de West. 2. cap. 5. ideo veies le statute. Auxy si cestuy que ad droit de presenter apres le mort del parson, et ne porta Quare impedit, ne Darreine presentment, mes suffer vn estrange de usurper sur luy, vncore il auera vn Briefe de Droit de Advowson. Mes cest briefe ne gest si il ne clame dauer le advowson a luy & ses heires en fee simple.

Rk 3 Quare

The Exposition of

Quare incumbrauit.

Quare incumbrauit est vn briefe, & gist lou deux sont en plee pur l'aduowson, & Leuesque admit le Clerke de un de eux deins le fize moys, donques il auera ceo briefe vers le Euesque. Mes ceo briefe gist tous foits pendant le plee.

Quare incumbrauit.

Quare incumbrauit is a Writ, and it lyeth where two be in plee for the aduowson, and the Bishop admitteth the Clerke of one of them within the vi. moneths, then he shall haue this writ against the Bishop. But this writ lyeth alway hanging the plee.

Quare intrusit matrimonio non satisfacto.

Quare intrusit matrimonio non satisfacto est vn briefe, et gist lou le Seignieur profera conuenable marriage a son garde, & il refusa, & entra en le terre, & soy marie a vn autre, donques le Seignieur auera cest briefe vers luy.

Quare intrusit matrimonio non satisfacto.

Quare intrusit matrimonio non satisfacto is a Writ, and it lyeth where the Lord profereth conuenable marriage to his ward, and hee refuseth and entreteth into the land, and marrieth himselfe to another, then the Lord shall haue this writ against him.

Quare non admisit.

Quare non admisit est vn briefe, & gist lou home ad reconuer vn aduowson, & il manda son conuenable Clerke al Euesque pur admis, & le Euesque ne voile luy receiuer, donques il auera le dit briefe vers le Euesque. Mes briefe de *Ne admittas* gist lou deux sont en plee, si le plaintife suppose que l'Euesque voit admit le Clerke le defendant,

Quare non admisit.

Quare non admisit is writ, & it lyeth where a man hath recovered an Aduowson, and he sendeth his conuenable Clerke to the Bishop to be admitted, and the Bishop will not receiue him, then he shall haue the said writ against the Bishop. But a writ of *Ne admittas* lyeth where two be in plee, if the plaintife suppose that the bishop will admit the Clerk of the

Defendant, then he may haue this writ to the Bishop, commanding him not to admit him hanging the plee.

donques il poit auer cest briefe al Euesque, luy commandant que il ne luy admette pendant le plee.

Quarentine.

Quarentine.

Quarentine is where a man byeth seised of a manour place, and other Lands, whereof the wife ought to be endowed, then the woman may abide in the Manour place, and there liue of the store and profits thereof the space of forty dayes, within which time her Dowder shall be assigned, as it appeareth in Magna Charta cap. 6.

Quarentine est lou home de- uie seilie de vn mannor place, & de auters terres, dont sa feme poit estre endow, donques la feme tiendra se en le mannor place, & la viue de le store et profits de ceo per quarant iours, deins quel temps sa Dowder serra a luy assigne, come appiert en Magna Charta cap 6.

Quarels.

Quarels.

Quarels is deriued from Querendo, and extendeth not onely to actions, as well recall as personall, but also to the causes of actions and suits, so that by the releas of all quarels, not only actiōs depēding in suit, but causes of action and suit also are released, and quarels, controuersies & debates, are words of one sense, and of one and the same signification, Coke lib. 8. fol. 153.

Quarels est deriue à Querendo, et extēd non seulement al actions cybien real come personall, mes auxy al causes de actions et suits, issint que per releas de routs quarels non seulement actions dependant en suit mes causes de action et suit auxy sont releas, et quarels, controuersies et debates sont Synonime, et de un mesme signification. Coke lib. 8. fol. 153.

Rk 4 Quid

Quid iuris clamat.

Q*Vid iuris clamat* est vn briefe, & gift lou ieo graunt le reuerſion de mon tenant a terme de vie per ſine en Court le Roy, et le tenant ne voit attourner, donques le grantee auera ceſt briefe per luy chaſer pur attourner. Mes briefe de *Quem redditum reddit* gift lou ieo grant per ſine vn rent charge, ou auter rent que neſt rent ſeruice, quel mon tenant tient de moy, & le tenant ne voit attourner, donques le grantee auera ceſt briefe. Et briefe de *Per que ſeruitia* gift en ſemble caſe pur rent ſeruice.

Auxy ſi ieo graunt iij. diuers rents a vn home, & le tenant de terre attourra al grauntee per payment de vn denier, ou vn maille en noſine de attournement de tous ceux rents, ceſt attournement luy mitera en ſeiſin de tout ceſt rent. Mes ceux trois briefes couient eſtre port vers eux que ſount tenants iour del note leuee, & vers nul auters.

Quinzisme.

Q*Vinzisme* est vn payment grant en Parliament al roy per les layes Gents, ceſtaſcannoire, le quinzisme part de leur biens: Et fuit uſe en ancien temps deſte leuee ſur leur auers eſteaunts en leur terre, q

Quid iuris clamat.

Q*Vid iuris clamat* is a Writ, and lyeth where I graunte the reuerſion of my tenant for terme of life by ſine in the Kings court, and the tenant will not attorne, then the grantee ſhall haue this Writ for to compell him to attorne. But a Writ of *Quem redditum reddit* lyeth where I grant by ſine a rent charge, or another rent which is not Rent ſeruice, which my tenant holdeth of me, and the tenant will not attorne, then the grantee ſhall haue this writ. And a writ of *Per que ſeruitia* lies in like caſe for rent ſeruice.

Alſo if I grant foure diuers rents to one man, and the tenant of the land attourneth to the grauntee by payment of a peny, or of a halfe peny in the name of Attournment of all the rents, this attournment ſhall put him in ſeiſin of all the rent. But theſe three writs ought to be brought againſt thoſe which are tenants at the day of the note leued, & againſt no other.

Fifteene.

Fiſteene is a payment granted in Parliament to the King by the Temporalty, namely, the fifteenth part of their goods, and it was uſed in ancient time to be leued vpon their Cattel going in their grounds, which

thing was very troublesome, and therefore now for the most part that way is altered, & they use to leue the same by the yard, or acre, or other measure of land. By meanes whereof it is now lesse troublesome, and more certain than before it was. And euery towne and countrey doe knowe what sum is to be payd among them, and howe the same shall be raised. Wee readeth that Moses was the first that did number the people, for he numbered the Israelites, and the first tax, subsidy, tribute, or assistance, was inuented by him among the Hebrewes, as Polidore Virgil thinke.

chose fuit mult troublous, & pur ceo a ore pur le plus part cest voy est alter, et ils vie de leuie ceo per les verges ou acre, ou auter mesure de terre. Per reason de que il est a ore meins troublous, & plus certaine qu deuant il fuit. Et chescun ville & pays scient quel summe est destie pay perenter eux, & coment ceo serra raise. Nous legemous que *Mosès* fuit le prim que number le people, car il nuryber les Israelites, & pur ceo le primer Tax, Subsidie, Tribute, ou *Quinzisme*, fuit inuent per luy enter les Hebrewes, come *Polidore Virgil* suppose.

Quod ei deforceat.

Quod ei deforceat is a Writ, and it lyeth where the tenant in the taile, Tenant in dower, or tenant for terme of life, loseth by default in any action, then he that loseth shall haue this Writ against him that recouereth, or against his heire, if he thinke he hath better right than he which recouered. See the Stat. West. 2. cap. 4.

Quod ei deforceat.

Quod ei deforceat est vn brief, & gist lou tenant en taile, Tenaunt en Dower, ou Tenant a terme de vie, perde per defaulte en aucun action, donques cestuy que perde auera cest briefe vers celuy que recouera, ou vers son heire, si il entende que il auoit melior droit que il que recouera. Veies le Stat. West. 2. ca. 4.

Quod permittat.

Quod permittat is a Writ, and it lyeth where a man is disseised of his common of pasture, and the disseisor alieneth or dyeth, and his heire entred.

Quod permittat.

Quod permittat est vn briefe, & gist lou home est disseise de son common de pasture, & le disseisor alien ou deuie seise, & son heire entref, donques

The Exposition of

donques si le disseisee denie, son
heire auera cest briefe.

then if the disseisee die, his heire
shall haue this writ.

Quo iure.

Quo iure est vn briefe, et gist
lou home ad ewe common
de pasture en auter feueal de
darreins temps deins le temps
de memorie, donques celui a
que appartient le feueal, au-
ra cest briefe, et il sera charge
de monstre par quel tite il
clame le common.

Quo iure.

Quo iure is a writ, and it lyeth
where a man hath had com-
mon of pasture in another ser-
uant of lawe within the time of
memory, then he to whom be-
longe the feueal, shall haue this
writ, and he shall be charged to
shew by what title he claimech
the common.

Quo minus.

Quo minus est vn briefe, &
gist lou home ad grantas a
vn auter housebote & heybote
en son boys, a prendre cheleun
an, et celui que fesoit le grant
fait tiel wast et destruction
que le grauntee ne poit auer
son reasonable estouers, don-
ques le grantee auera le auant-
dit Briefe, et est en nature de
briefe de Wast.

Et nota, que Housebote est
appellee certeyne estouers pur
amender le maison: et Hey-
bote est certaine estouers pur
amender heyes et hedges.

Et est auter briefe appel-
Quo minus, en le Exchequer,
quel aucun Fermour ou Deb-
tour al Roy auera vers aucun
auter, pur Debt ou Trespassie,
en le Exchequer, en le Office
appelle le Common Pleas, per
que le Plaintife surmittira,
que pur le tort que le Defen-

Quo minus.

Quo minus is a writ, and it ly-
eth where a man hath gran-
ted to another Housebote and
Heybote in his land to take en-
ry yeare, and he that made the
grant maketh such wast and de-
struction that the grantee can-
not haue his reasonable estou-
ers, then the grantee shall haue
the aforesaid writ, and it is in
nature of a writ of wast.

And note that Housebote is
called certaine estouers to mend
the house: and Heybote certaine
estouers to mend heyes and
hedges.

And there is another writ cal-
led a Quo minus, in the Exche-
quer, which any fermour or deb-
tor to the king shall haue against
any other, for debt or trespass
in the Exchequer, in the Office
called the Common Pleas, by
which the plaintiffe shall surmise,
that for the wrong which the
defen-

defendant doth to him, he is lesse able to pay the King his debt or terme, which is surmised to give Jurisdiction to the Court of Exchequer, to heare and determine the cause of the suit betwixen them, which otherwise should be determined in another Court.

dant fait a luy, il est meynes able a payer le Roy son debt on ferme, quel est surmise a doner Jurisdiction al Court D'exchequer, d'oyer et terminer la cause del suit entre eux, quel autrement serroit determine en autre Court.

Quo warranto.

Quo warranto.

Quo warranto is a writ, and it lyeth where a man usurpeth to have any franchise byon the King, then the King shall have this writ, to make him to come before his Justices, for to shew by what title he claimech such franchise.

Quo warranto est un briefc, & gist lou home vsurpe d'aucun franchise sur le Roy, donques le Roy auera cest Briefc, de faire luy venir deuant ses Iustices, pour monstre par quel tite il claime tiel franchise.

R.

R.

Ransome.

Ransome.

Ransome signifies properly the summe that is payd for the redempcion of one that is taken captiue in warre, but it is vsed also for a summe of money paid for the pardoning of some great offence, and so is it vsed in the Statute of 1. H. 4. c. 7. and in other Statutes, Fine and Ransome going together; as in 23. H. 8. cap. 3. and elsewhere.

Ransome signifie proprement ceo somme que est pay pur le redemption d'un que est prise captiue en guerre, mes est auxy vsé pur un somme des deniers paye pur le pardonner d'aucun grand offence, et issint est vsé en lestatute de 1. H. 4. cap. 7. et en autres stat. Fine et Ransome alants ensemble: come en 23. H. 8. cap. 3. et aylors.

Rape.

Rape ad deux significati-
ons: Le primer est quant
il est prie pur le part del
County, come Southsex est di-
vide en six parts; q pur vn pe-
culiar nosme sont appel Rape,
Camden Britan. pag. 225. et ceux
parts en auters pais sont appel
Hundreds, Tythings, Lathes,
ou Wapentakes.

En l'auter sens il est le vio-
lent conuissance dun feme en-
counter sa volunt, et cest of-
fence est felonie. cybien an le
principal, come en les accesso-
ries. Veies 11. *Henric. 4. cap.*
13. 1. Edw 4. cap. 1. Westm. 2.
cap. 13. Cromptons Iustice de peace,
fo. 43. 44.

*Rationabili parte
bonorum.*

Rationabili parte bonorum,
est vn briefe que gist pur
vn feme vers les executors sa
baron, dauer le teirce part de
ses biens apres debts payes,
et funerall expences dischar-
ges. Mes si cest briefe giscra al
common ley, ou solement per
le custome dascun pais, est vn
question en nostre liuers. V.
Fitz. N. B. 122. L.

Rape.

Rape hath two significati-
ons: The first is when it
is taken for the part of a
County, as *Sussex* is divided
into six parts, which by a pecu-
liar name are called Rape, *Cam-*
den Britan. pag. 225. and these
parts in other Countries are
called Hundreds, Tythings,
Lathes, or Wapentakes.

In the other sense it is the
violent deflowering of a woman
against her will, and this offence
is felony, as well in the princi-
pall, as in his aydoers. See 11.
Henric 4. cap. 13. 1. Edw. 4. cap. 1.
Westm. 2. cap. 13. Cromptons Ju-
stice of peace, fol. 43. 44.

*Rationabili parte
bonorum.*

Rationabili parte bonorum,
is a writ that lyes for the
wife against the executors of her
husband, to haue the third part
of his goods after debts payd,
and funerall expences dischar-
ged. But is this writ both lye
by the common law, or onely by
the custome of some countries, it
is a question in our books. See
Fitz. N. B. 122. L.

Ratio-

Rationabilibus diuifis.

Rationabilibus diuifis is a wote, and lyeth where there are two Lordships in diuers townes, and one nigh the other, and any parcell of one Lordship, or of wast, hath bene incroched by little parcels, then the said Lord from whom the parcell of ground or of wast hath ben incroched, shall haue this wote against the Lord that hath so incroched.

Rationabilibus diuifis.

Rationabilibus diuifis est vn briefe, et gift lou sont deux Seigniories en diuers Villes, & vn pres de auter, et ascun parcel de vn Seigniorie, ou de wast, ad este encroche per petits parcels, et donques ecluy Seignior de que le parcel de terre, ou le wast, ad este encroche, auera cest briefe enuers le Seignior que ad issint encroche.

Rauishment de gard.

Rauishment de gard, is a wote that lyeth for the gardian by knyghts service, or in forage, against him that takes from him the body of his ward. And of this see Fitz. N. B. fo. 140. E. &c.

Rauishment de gard.

Rauishment de gard, est vn briete que gift pur le gardian en chivalry, ou foccage, vers cestuy que prist de luy le corps son gard. Et de ceo veies Fitzh. Nat. Er. fol. 140. E. &c.

Raunger.

Raunger comes from the French word Rang, (that is, ordo, vel series) and it signifies an officer of the Forrest, that is appointed to walke euery day thorow the purlien, whereof he is Raunger, to drive backe the wilde beasts into the Forrest againe, to see, heare, and inquire of offenders there, and to present their offences. See Manwood, chap. 20. fol. 185. &c.

Raunger.

Raunger venust del parol Francois (*Ranger, id est, orda, vel series*) et signifie vn Officer del Forrest que est appointe se pourmener chescun iour per le purlien dont il est le Raunger, pur rechafer les feres hors ceo en le Forrest arere, de veier, pyer, et enquire des offenders la, et de presenter leur offences. Veies Manwood cap. 20. fo. 185. &c.

Rebutter.

Rebutter.

Rebutter est quant vn per fait ou fine grant de garranter aucun terre ou hereditament a vn autre, et cestuy q. fist le garrantie, ou son heire, sua celui a que le garrantie est fait, ou son heire, ou assignee, si celui que issint sue, pleade encounter cestuy que sua le dit fait ou fine oue garrantie, & demand iudgement si encontre ceo garrant le plainifé terra receiue a demaunder le chose que il doit garrant, encontre cel garrantie, per le fait ou fine auant dist, compernant tiel garrantie, tiel pleade en garrantie est appelle vn Rebutter.

Rebutter.

Rebutter is when one by deed or fine grants to warrant any land or hereditament to another, and he to whom the warranty is made, or his heire, or assignee for the same thing: now if he to whom the warranty is made, or his heire, or assignee shall be received to demand the thing which he ought to warrant, against that warranty by deed or fine aforesaid, compernand such warranty, such pleading of the warranty is called a Rebutter.

Recaption.

Recaption est vn second distress dun que suit autre fois distress deuant pur mesme le cause; et ceo durant le plea ground sur le former distress. Est auxy le nosme del brieve ou remedy que le ley donc pur cestuy que est issint deux fois distress pur vn chose, le forme et vse & quel b. poies veier en Fitz. N. B. fo. 71. E. & c.

Recaption.

Recaption is a second distress of one to merely distresses to the selfe same cause, and that during the plea grounded upon the former distress. It is also the name of the writ or remedy that the Law gives for him that is thus thrice distressed for one thing: the form and vse of which writ you may see in Fitz. N. B. fo. 71. E. & c.

Recluse!

Recluse.

Reculse is one that by reason of his order in Religion may not stirre or depart out of his house or cloister: and of such a one Littleton speaks, Sect. 434.

Recluse.

Reculse est cestuy que per le reason de son order en religion ne peut mouer ou departer hors de son maison ou cloister: Et d'un tiel Littleton parle sect. 434.

Recordare.

Recordare is a writ directed to the Sheriffe, to remove a cause out of an inferior court, as a Court of ancient demesne, Hundred court, or County court, into the Kings bench, or Common Pleas. And of this see Fitz. N.B. 70.B.

Recordare.

Recordare est vn brief direct al Viscount pur remouer vn cause hors dun inferior court, come court del ancient demesne, Hundred Court, ou County Court, en Banke le Roy, ou Common banke. Et de ceo veies Fitz. N.B. 70.B.

Rediffesin.

Rediffesin. Take of that before in the title A fine.

Rediffesin.

Rediffesin. Veies de ceo deuant en le titre de Affine.

Regarder.

Regarder comes of the French (Regardeur, id est, spectator) and it signifies an Officer of the Kings forrest, that is sworn to take care of the Vert and Venison, and to view and inquire of all the offences committed within the forrest, and of all the concealments of them: and if all the Officers of the forrest doe well execute their offices or no. See Manw. Forrest Lawes, chap. 21. fo. 191.b.

Regarder.

Regarder venust d'un François (regardeur, that is, spectator) et signifie vn Officer del Forrest. le Roy, que est iure de prender le regard del Vert et Venison, et de veier et inquire des tous offences demises deins le Forest, et des tous les concealments d'eux: et si tous les Officers del Forrest bien executent leur offices ou nemy. Veies Manw. For. lyes, chap. 21. fo. 191.b.

Regrator.

The Exposition of

Regrator.

Regrator est celuy que ad blees, victuals, ou auters choses, sufficient pur son necessary ocps, occupation ou expences, et nient obstant engrosse & achare en ses mains plus blees, victuals, ou auter tiels choses, al entent de vendr ceo arcre al vn plus hault & chare price, en faires, markets, ou tiels semblable lieux: de q̄ veies lestat 5. E. 6. ca. 14. car il terra punie come Forestaller.

Reioynder.

Reioynder est quant le defendant fait respons al replication del plaintife.

Et chescun Reioynder doit auer ceux deux properties specialment, cestascanoire, il doit estre sufficient respons ad replication, et auxy de subsequer et enforce le matter del barre.

Relation.

Relation est vn terme en ley, lou en consideration del ley deux temps ou auters choses sont consideres tielment come si fueront tout vn, et per ceo le chose subsequent est dit de prendre son force per relation al temps precedent: sicome vn deliuer vn escript al vn destf deliū al aut, come fait cestuy q̄ ceo deliuer, q̄nt lauter a

Regrator.

Regrator is he that hath coyn, victuals, or other things sufficient for his owne necessary need, occupation, or spending, and doeth nevertheless ingrosse & buy up into his hands more coine, victuals, or other such things, to the intent to sell the same againe at a higher and better price, in faires, markets, or other such like places, whereof see the stat. 5. E. 6. c. 14. for he shall be punished as a forestaller.

Reioynder.

Reioynder is when the defendmaketh answer to the replication of the plaintife.

And every reioynder ought to haue these two properties specially, that is, it ought to bee a sufficient answer to the replication, and also to follow and enforce the matter of the barre.

Relation.

Relation is a terme in Law, where in consideration of law 2 times or other things are considered so as if they were all one, and by this the thing subsequent is said to take his effect by relation at the time preceding: as if one deliuer a writing to one to be deliuered to another, as the deed of him who deliuered it, when the other to whom

Whom he should be deliuered, hath payd a summe of money, now when the money is payd, and the writing deliuered, this shall be taken as the deed of him who deliuered it, at the time when it was first deliuered. And so Petitions of Parliament to which the King assents on the last day of Parliament, shall relate and bee of force from the first day of the beginning of the Parliament. And so is it of diuers other like things.

que serroit deliuer, ad pay aucun summe de money; ore quant le money est pay, et lescript deliuer; ceo sera reputé come fait cestuy que ceo deliuera al temps quant fuit primies deliuer. Et issint petitions de parliament, as queux le roy assent al darreine iour de Parliament, aueront relation et prendront leur force del prisi iour del commencement del Parliament. Et issint est de diuers aus choses semblables.

Release.

Release is the giving or discharging of the right or action which any hath or claimeth against another, or his land.

And the relese of right is commonly made when one maketh a deed to another by these or the like words, Remised, released, and utterly for me and my heires quite claimed to A.B. all my right that I haue; or by any means may haue hereafter, in one messuage, &c. But these words (whatsoever I may haue hereafter) be both: for if the father be disseised, and the son relese by his deed of relese without warranty, all his right, by these words, (whatsoever I may haue hereafter, &c.) and the father dyeth, the sonne may lawfully enter in the possession of the disseisor.

Release.

Release est le done ou discharge del droit ou action que aucun eyt ou claime enuers auter, ou son terre.

Et le relese de droit est communément fait quant vn fe soit vn fait a vn auter per ceux ou tiels parolx, *Remisee, relaxe, & omnino pro me & hered' meis quiet' clamee A.B. totum ius meum quod habui, habeo, seu quouis modo in futuro habere poterò, in uno messuagio, &c.* Mes ceux parols (*quouis modo habere poterò*) sont voids: Car si le pere soit disseise, et le fils relese p son fait d' relese, sans garrantie de tout son droit, per ceux parols (*quouis modo in futuro habere poterò, &c.*) et le pere morust, le fils poit loyalmēt entré sur le possession le disseisor.

L I

Auxy

The Exposition of

Auxy en vn releafe de droit il couient que il a que le Releafe ferra fait, ad vn franktencement ou poffeffion en les terres en fait ou en ley, ou vn reuerfion al temps del releafe fait, car fil nad riens en le terre al temps de releafe fait, le releafe ne ferra a luy auailable. Veies pluis de ceo *Littleton lib. 3. cap. 8.*

Also in a releafe of right it is needfull that he to whom the releafe shall be made, haue a freehold or a poffeffion in the lands in dede or in law, or a reuerfion at the time of the releafe made, for if he haue nothing in the land at the time of the releafe made, the releafe shall not be to him auailable. See more hereof in *Linl. lib. 3. cap. 8.*

Reliefe.

Reliefe.

Reliefe est alcun foits vn certaine fumme de money que le heire payera al Seigniour de que ceux terres sont tenus, queux apres le deceafe de son Auncestour sont a luy discende, come procheine heyre. Alcun foits il est le payment de vn autre chose, et nemy money: Et pur ceo reliefe nest certaine, et semblable pur toutes Tenures, mes chescun sundry Tenure ad (pur le pluis part) son speciall Reliefe certaine en luy mesme. Neque est ceo destre paye tous foits al vn certaine age, mes il varie en ceo auxy accordaunt al tenure. Come si le Tenaunt ad terres tenus per Seruice de Chivaler, (forspris Grand Serieantie) et morust, son heyre osteaunt de pleine age, et tient ses Terres per le seruice d'un entier fee de Chivaler, le Seigniour de que

Reliefe is sometimes a certaine fumme of money that the heire shall pay to the Lord of whom those lands are holden, which after the deceafe of his ancestor are to him descended as next heire. Sometimes it is the payment of another thing, and not money: And therefore Reliefe is not certaine, and alike for all Tenures, but every sundry Tenure hath (for the most part) his speciall Reliefe certaine in it selfe. Neither is it to be paid alwayes at a certaine age, but varietly therein also according to the Tenure. As if the Tenaunt haue Lands holden by Knights service (except Grand Sericanty) and dye, his heire being at full age, and held his Lands by the seruice of a whole Knights fee, the Lord of whom these Lands are so holden, shall haue of the heire an hundred shillings

Shillings in the name of the Reliefe; and if he held by lesse then a knights fee, he shall pay lesse, and if more, then more, hauing respect alwayes to the rate for every knights fee C. s. And if he held by Grand Sericanty, (which is alwaies of the King, and is also knights Seruice) then the Reliefe shall be the value of the land by the yeare, besides all charges issuing out of the same. And if the lands be holden in Petit Sericantie, or in Socage, then for the reliefe the heire shall pay at one time as much as hee ought to pay yearly for his seruice, which is commonly called the doubling of the rent.

And if a man hold of the King in chiefe, and of other Lords, the King shall haue the ward of all the lands, and the heire shall pay reliefe to all the Lords at his full age; but the Lords shall sue to the King by petition, and shall haue the Rent for the time that the Infant was in ward.

But see now that by the Stat. of 2. E. 6. chap. 8. the same Lords are not put unto their petition, but shall haue all the rents paid them by the Kings Officers vpon request yearly during the Kings possession.

And note, that alwayes when the Reliefe is due, it must be

ceux Terres sont issint tenus auera del heire C. s. *Nomine seu leui*, et si il tient per meins que vn fee de Chiualer; il payera meins; et si plus; donqs plus; aiant respect toutes foies al rate pur chescun fee de chiualer vn cent soulz. Et si tient per grand Sericantie (que est toutes foies del roy, et est auxy seruice de chiualer) donqs le reliefe sera le value del tere p an, preter tous charges issuant hors de c. Et si le tere soit tenus en petit Sericantie; ou en socage, donqs pur le reliefe le heire payera al vn foies taunt que il doit payera annuelment pur son seruice, quel est communement appelle le doubling del rent.

Auxy si vn home tient de le Roy en chiefe, et des autres Surs, le Roy auera le garde de toutes les tfs, et le heire payera reliefe a tous les Seigniors a son plein age, mes les Surs suera al Roy per petition, & payera le rent pur le temps que le enfant fult en garde.

Mes veies ore que per lestat. de 2. E. 6. cap. 8. les mesme Surs ne sont mises a leur petition; mes aueront tous les rents as eux payes p les officers le roy sur request annuelment durant le possession le Roy.

Et nota, que tous foies quand le reliefe est due, il doit este
 L l z pay

The Exposition of

pay al vn entier payment, et ne-
my per parts, nient obstant
que le rent soit deste pay al se-
ueral feasts.

paid at one whole payment, and
not by parts, although that the
rent be to bee payd at severall
feasts.

Remainders.

Remainder de Terre, est le
Terre que remainera apres
le particular estate determine:
Come si vn grant terre pur
terme de ans, ou pur vie, le re-
mainder al I. S. cest adire, que
quaut le lease pur ans est de-
termine, ou le Lessee pur vie
est mort, que donques le terre
remainera, serra, ou abide, oue,
al, ou en I. S. Veics Reuerſion.

Remainder of land, is the land
that shall remaine after the
particular estate determined:
As if one grant land for terme
of yeares, or for life, the remain-
der to J. S. that is to say, that
when the lease for yeares is de-
termined, or lessee for life is dead,
that then the land shall remaine,
shall be, or abide with, to, or in
J. S. See Reuerſion.

Remembrancer del Eschequer.

Remembrancer del Eschequer,
la sont trois Officers ou
Clerkes la appel p tiel noſme,
l'un est appel le remembrancer
del roy, l'auter del Seignieur
treasurer, et le tierce del pri-
mer fruits.

Le remembrancer del Roy
enter en son office tous recog-
nizances pur les debts le Roy,
apparances, et pur obseruer or-
ders: auxy il priſt tous obli-
gations pur aucun des debts le
Roy, pur apparances, & ob-

Remembrancer del Eschequer.

Remembrancer del Eschequer,
there are thre Officers or
Clerkes there called by the
name, one is called a remem-
brancer of the King, the other
of the Lord Treasurer, and the
third of the first fruits.

The Kings remembrancer
entreteth in his office all recogni-
sances for the Kings debts, ap-
parances, and for obseruing of
orders: also he taketh all obli-
gations for any of the Kings
debts, for apparances and ob-
servances

seruances of orders, and maketh out proces upon them for the breaking of them.

The Lord treasurers remembrancer maketh out proces against all Sherifes, Escheators, Receiuers, and Baylifes, for their accounts: he makes the proces of Fieri facias, and extent for any debts due to the King, either in the Pipe, or with the Auditors, and he maketh proces for all such reuenue as is due to the King by reason of his Tenures.

The remembrancer of the first Fruits taketh all compositions for first fruits and tenths, and maketh proces against such as pay not the same. Of these Officers see more in the booke of the office and authority of Sherifs, lately written by M. Dalton, fol. 126.

Remitter.

Remitter is when a man hath two titles to any land, and he cometh to the land by the last title, yet he shall be iudged in by force of his elder title, and what shall bee said to him a Remitter: As if the tenant in the cople discontinue the taylor, and after disseiseth his discontinuee, and by the thereof seised, and the

seruances de orders, et fist proces sur eux pur l'enfreinder de eux.

Le remembrancer del Seignior treasurer fist proces vers tous Viscounts, Eschetors, Receiuers, et Baylifes, pur leur acounts: il fist le proces de *Fieri facias*, et extent pur aucun debts due al Roy, ou en le pipe ou oue les auditors, et il fist proces pur tout tiel reuenue q est due al Roy per raison de ses Tenures.

Le remembrancer de les primer fruiſts priſt tous compositions, pur primer fruiſts & dismes, & fait proces envers ceux que ne pas paya meſme. De ceux officers veies pluis en le liure del office et authoritie de Viscounts, darreinment eſcrie per M. Dalton, fol. 126.

Remitter.

Remitter est quant vn home ad deux titles a aucun terre, & il vient al terre per le darrain title, vncors il serra adiudge eins p force de son pluis eigne title, et ceo serra dit a luy vn Remitter: Come li tenant en le taile discontinua le taylor, & puis disseisie son discontinuee, & morust ent seisie, & les

Ll 3 terres

The Exposition of

terres descendent a son issue ou
cosin enheritable per force del
taile, en ceo cas il est en son
Remitter, cestascavoir, seise
per force del taile, et le title
del discontinuee est ouster-
ment anient et defete. Et le
reason et cause de tiel remitter
est, pur ceo que tiel heire est
tenant del terre, & nest aucun
person tenant, vers que il poit
suer son brieve de Formedon
pur recouer le estate taile, car il
ne puit auer action vers luy
mesme.

lands descendeth to his issue or
cosen inheritable by force of the
taile, in that case he is in his
Remitter, that is to say, seised
by force of the taile, and the title
of the discontinuee is utterly ad-
nullled and defeated, and the rea-
son and cause of such remitter
is for that that such an heire is
tenant of the land, and there is
no person tenant, against whom
he may sue his writ of *Forme-*
don for to recouer the estate taile,
for he may not haue an action
against himselfe.

Auxy si Tenaunt en le
Tayle enscossa son fitz ou
heire apparent en le Tayle
que est deins age, & puis
devie, ceo est vn Remitter al
heire: Mes si il fuit de pleine
age al temps de tiel feoffment,
il nest remitter, pur ceo que il
fuit son folly, que il esteaunt
de plein age, voile prendre tiel
feoffment.

Also if tenant in the taile in-
feoffe his son or heire apparent
in the taile, which is within
age, and after dyeth, that is a
Remitter to the heire: but if he
were of full age at the time of
such feoffment, it is no Remit-
ter, for that that it was his
folly, that hee being of full
age, would take such a feoff-
ment.

Auxy si le baron alien terre
que il ad en le droit son feme,
& puis reprist estate a luy & a
son feme pur terme de lour
vies, ceo est vn Remitter al
feme, pur ceo que cest aliena-
tion est le acte le baron, & ne-
my l'act de la feme, car nul fol-
ly poit este adiudge en feme
durant le vie le baron.

Also if the Husband alien
lands that he hath in the right
of his wife, and after take an
estate againe to him and to his
wife for terme of their lives,
that is a Remitter to the wo-
man, for that that this aliena-
tion is the act of the husband, &
not of the woman, for no folly
may be adiudged in the woman
during the life of her husband.

Mes tiel alienation soit per-
fine en Court de Record, tiel

But if such alienation be by
fine in Court of Record, such a
taking

taking againe afterward to the husband and wife for terme of their liues, shall not make the woman to be in her Remitter, for that in such a fine the woman shall bee examined by the Iudge, and such examination in fines shall exclude such women for euer.

reprises apres al baron & feme pur terme de lour vies, ne sera la feme destre en sa Remitter, pur ceo que en tiel fine la feme sera examine per le Iudge, et tielx examinations en fines excluderont tiels fems a tous iours.

Also when the entry of any man is lawfull, and he taketh an estate to him when he is of full age, if it be not by deed indented, or matter of record, which shall stop him, that shall be to him a good Remitter.

Auxy quaut le entre de aucun home est congeable, & il prist estate a luy quaut il est de pleine age, si ne soit per fait indent, ou matter de record, que luy estoppera, ceo sera a luy bone Remitter.

Rents.

Rents be in diuers manners, that is, Rent seruice, Rent charge, and Rent secke.

Rent seruice, is where the tenant in fee simple holdeth his land of his Lord by fealtie and certaine rent, or by other seruice and rent, and then if the Rent of the Tenant be behinde, the Lord may distraine for the rent: but for that he shall not haue an action of debt.

Also if a gine land in tiple to a man, paying to me certaine rent, then such rent is rent seruice: But in such case it behoueth that the reuerfion be in the

Rents.

Rents sont en diuers maners, cest a sauoir, Rent seruice, Rent charge, & Rent secke.

Rent seruice, est lou le tenant en fee simple tient sa terre de son Seignieur per fealtie et certaine rent, ou per auter seruice et rent, et donques si le rent de le Tenant soit arere, le Seignieur poit distraine pur le rent: Mes pur ceo il iamaiz nauera action de debt.

Auxy si ieo done terres en le taile a un home payant a moy certaine rent, ore tiel rent est rent seruice: Mes en tiel case il couiert q le reuerfion soit en le

The Exposition of

donour: Car si home fait feoffment en fee, ou vn done en taile, le remainder ouster en fee, sans fait, reseruant a luy vn rent, tiel reseruation est voyde, & ceo est per force del statute. *Quia emptores terrarum*, & donq̃s il tiendra de le Seignior de que son donour tenoit,

Mes si home per fait indente a cel iour fait tiel done en le taile, le remaind̃ ouster en fee, ou lessiee par terme de vie, le remainder ouster, ou vn feoffment, & per meisme l'indenture reserua a luy vn rent, & que si le rent soit arriere, que bien liroit a luy a distraier, pre tiel rent est rent charge.

Mes en tiel case, si la tie soit aucune tiel clause de distresse en le fait, donques tiel rent est appel rent secke, & par tiel rent secke, il ne iammais distraiera, mes si suit vn foits seise, il auera aillie, & si il iammais ne suit seise, est sans remedy.

Auxy si vn graunt vn rent issuet hors de la t̃er̃ oue clause de distresse, cest vn rent charge, & si le rent soit arriere, le graunte poit essier de distraier ou fuer vn brieve Danuety, mes il ne poit auer ambideux, car sil port brieve de Annuety, donques le terre est discharge. Et si il distraint & auow le prisel en Court de record, donq̃s le t̃er̃

donour: For if a man make a feoffment in fee, or a gift in taile, the remainder ouer in fee with out deed, reseruing to him a certaine rent, such reseruation is voyd, and that is by the statute *Quia emptores terrarum*, and then he shall hold of the Lord of whom his donour held.

But if a man by deed indented at this day make such gift in taile, the remainder ouer in fee, or lease for terms of life, the remainder ouer, or a feoffment, and by the same Indenture reserue to him rent, and that if the rent be behinde, that well it is lawful to him to distreine, then such rent is rent charge.

But in such case, if there be not any such clause of distresse in the deed, then such rent is called rent secke, and for such rent secke he shall neuer distraine, but if he were once seised, he shall haue aillie, and if he were not seised, he is without remedy.

And if one grant a rent going out of his land, with clause of distresse, that is rent charge, and if the rent be behinde, the graunte may chuse to distraine or sue a writ of Annuety, but he cannot haue both, for if he bring a writ of Annuety, then the land is discharged. And if he distraint and auow the taking in the court of Record, then the land is charged.

ges, and the person of the grantor discharged,

est charge, et le person del grantor discharge.

Also if one graunt a Rent charge, and the grauntee purchase half, or any other part or parcell of the land, of what soever small value it be, then all the rent is extinct.

Auxy si vn graunt vn Rent charge, & le grantee purchase le moitie, ou ascun autre part ou parcell de le terre, de quel que petit value q il soit, doncs tout le rent est extinct.

But in Rent service, if the Lord purchase parcell of the Land, then the rent shall be apportioned.

Mes en rent service, si le Seignieur purchase parcell del terre, donques le rent serra apportion.

But if one hath a rent charge, and his father purchase parcell of the Land, and that parcell descendeth to the son which hath the Rent charge, then the rent shall be apportioned according to the value of the land, as it is said of rent service, for that that the sonne cometh to that not by his owne act, but by descent.

Mes si vn ad vn rent charge, & son pere purchase parcell del Terre, & cel parcell descende a le firz que ad le rent charge, ore cel rent serra apportion solonque le value del terre, come est dit de rent service, pur ceo que le firz ne vient a ceo per son act demesne, mes per descent.

Also if I make a lease for terme of yeares, reserving to me a certaine rent, that is called a Rent service, and for that it is at my liberty to distraine for the rent, or to have an action of Debt, but if the lease be determined, and the rent be behinde, then I cannot distraine, but shall be put to my action of Debt.

Auxy si ieo face vn lease pur terme d'ans, reservant a moy vn certaine rent, cest appel vn Rent service, & pur ceo il est a mon liberty a distraier p le rent, ou auer vn action de det, mes si le lease soit determine, et le rent soit arere, donques ieo ne puisse distraire, mes serra mis a mon action de det.

And note well, that if the Lord be seised of the service and rent aforesaid, and they be behinde, and he distrains, and the

Et nota, que si le Seignieur soit seise des Services & Rent auantdits, & ils soyent arere, & il distraint, & le re-

nant

nant rescoue le distresse, il poit auer Assise, ou brieve de Rescous: Mes il est pluis necessa-
rie pur luy de auer Assise, que brieve de Rescous, pur tant que per Assise il recouera son rent & ses damages, mes per cest brieve de Rescous il ne recouera mes damages, & le chose distrein serra reprise.

Et nota, que si le Seignior ne soit my seise del rent & seruice, & ils sont aderef, & il distreyn pureux, & le tenant reprent le distresse, il ne poit my auer Assise, mes brieve de Rescous, & ne couient my al Seignior de mfe son droit.

Et nota, que si le Seignior ne poit my trouer distresse per deux ans, il auera vers le tenant brieve de *Cessavit per biennium*, vt patet per *Le statute de Westminister 2. cap. 21.*

Et si le tenaunt deuie en le meane temps, & son issue enter, le Seignior auera vers le issue brieve de entry sur *Cessavit*, ou si le tenant alien, le Seignior auera vers le Alience le auantdit brieve. Mes si le Seignior ad issue et deuie, et le tenaunt soit en arrerages del dit rent et seruices en le temps le pere del issue, et nemy en le temps del issue, il ne poit my distreyn pur arrerages en temps son pere, et nauera aucun auer

tenant rescueth the distresse, he may haue Assise, or a writ of Rescous, but it is more necessary for him to haue Assise, than a writ of Rescous, for that by Assise he shall recouer his rent and his damages, but by a writ of rescous he shal not recouer but damages, and the thing distreined shall be reprieved.

And note well, that if the lord be not seised of the rent and seruice, and they be behinde, and he distreine for them, and the Tenant take againe the distresse, he shall not haue Assise, but a writ of Rescous, and the Lord shall not need to shew his right.

And note well, that if the Lord may not find a distresse by two yeaere, he shall haue against the tenant a writ of *Cessavit per biennium*, as it appeareth by the *Statute of West. 2. cap. 21.*

And if the tenant dye in the meane time, and his issue enter, the Lord shall haue against the issue a writ of entry vpon *Cessavit*, or if the tenant alien, the Lord shall haue against the Alience the foresaid writ. But if the Lord haue issue, and dye, and the tenant be in arrerages of the said rent and seruice in the time of the father of the issue, and not in the time of the issue, he may not distreyn for the arrerages in the time of his father, and he shall

shall haue none other recovery against the tenant, or any other, for that that such advantage is given by the law to the tenant. And note well, that rent service is that to the which belongeth fealty, but to rent charge and rent secke belongeth not fealty, but it belongeth to rent service of common right.

And note, that if a man distraine for rent charge, and the distress be taken against his will from him, and he was neuer seised before, he hath no recovery but by writ of *Rescous*, for the distress first taken, giueth not to him seisin, onely if he hadde the rent before, for if he were seised of the rent before, and after the rent be behinde, and he distraine, and rescous to him be made, he shall haue assise, or a writ of rescous.

And note well, that in euery assise of rent charge, and annuall rent, or in a writ of *Annuity*, it behooueth to him that bringeth the writ to shew forth an *Especialty*, or else he shall not maintaine the assise. But in an *Assise of Mortdauncester*, or *Formedon* in the descender, or other writs, (in the which title is giuen or comprised) brought of rent charge or annuall rent, it needeth not to shew the especialty.

And note well, that if a man

recouerie vers le tenant, ou aucun autre, pur ceo que tel advantage est done per le ley al Tenant. Et nota, que Rent service est ceo a quel appent fealtie, mes a Rent charge & Rent secke ne appent pas fealtie, mes il appent a rent service de common droit.

Et nota, si home distreine pur rent charge, & le distress soit rescue de luy, & il ne fuit my seisie aduauant, il ne ad my recovery forsque per brieve de *Rescous*, car le distress premierement fait ne done a luy seisin, forsque sil happe le rent aduauant, car sil fuit seisie del rent aduauant, & puis le rent soit aderere, & il distreigne, & rescous a luy soit fait, il auera assise, ou brieve de *Rescous*.

Et nota, que en chescun assise de Rent charge, & annuall rent, ou en vn brieve de *Annuity*, couient a celui, que port le Brieve, de monstre auant vn especialtie, ou autrement il ne maintiendra le Assise. Mes en Assise de *Mortdauncester*, ou *Formedon* en le descender, et autres briefes (en les queux title est done ou comprise) porte de rent charge, ou de annuall Rent, nest my besoigne de mostre especialty.

Et nota bien, que si home

graunc

The Exposition of

graunt rent charge a vn auter,
et le grauntee releffa al graun-
tor pareel de le Rent, vncore
tout le rent nest extinct.

graunt a rent charge to another,
and the grauntee release to the
grauntor; parcell of the rent, yet
all that rent is not extinct,

Et nota bien, que si Rent
Charge soit graunt a deux
ioyntement, et le vn releffa,
vncore le auter auera le moitie
del Rent. Et auxy si le vn pur-
chase le moytie de le Terre,
dont le Rent est issuant, l'auter
auera le moytie del Rent de
son compaignon: Et si le dis-
seisour charge la terre a vn E-
straunge, & le Disseisee port le
Assise & recouer, le charge est
defeate. Mes si celuy que ad
droit, charge la Terre, et vn
estraunge faine vn faux action
enuers luy que nad droit, et
recouer per defalt, le charge
demurra.

And note well, that if Rent
charge be graunted to two ioint-
ly, and the one release, yet the o-
ther shall haue the halfe of the
rent. And also if the one pur-
chase the halfe of the Land,
whereof the rent is going out,
the other shall haue the halfe of
the rent of his companion: and
if the disseisor charge the Land
to a stranger, and the disseisee
bring an Assise and recouer, the
charge is defeated. But if hee
that hath right chargeth the
land, and a stranger faime a
false action against him which
hath no right, and recouered by
default, the charge abideth.

Et nota bien, que en case
que purparty soit perenter deux
perceners, & plus terre soit al-
lotte a lun que a l'auter, & el
que ad plus del terre, charge
sa terre al auter, et el happe le
rent, el maintiendra assise
sans especialty.

And note well, that in case
that partition be betwene two
parceners, and more land be al-
lotted to one than to the other,
and shee that hath most of the
land, chargeth her land to the
other, and shee happeneth the
rent, she shall maintaine assise
without especialty.

Et est vn rent secke, lou
home tient de moy per ho-
mage, fealtie, et auter seruices,
rendant a moy vn certaine
rent per an, & ieo graunt cest
rent a vn auter, reseruant a
moy les seruices.

And it is a rent secke, where
a man holdeth of me by homage,
fealtie, and other seruice, yel-
ding to me a certaine rent by the
yeare, and I grant this rent to
another, reseruing to me the o-
ther seruices.

And

And note well, that if Rent secke be granted to a man and to his heires, and the rent be behinde, and the grantor dye, the heire may not distraine, nor shall recover the arerages of the time of his father, as it is befoze said of rent seruice.

And in the same manner it is to say of Rent charge, or annual rent: But in all these rents befoze sayd the heire may haue for the arerages in his owne time, such aduantage as his father had in his life. See the Statute 32. Hen. 8. cap. 37.

And note well, that in Rent secke, if a man be not seised of the rent, and it be behinde, he is without recovery, for that that it was his owne folly at the beginning, when the rent was granted to him or reserued, that he took not seisin of the rent, as a peny, or two pence.

And note well, that a man may not haue a Cessauit per biennium, or any other writ of extortion sur Cessauit for no rent secke behinde by two yeares, but only for rent seruice, as it appeareth in the Statute West. 2. c. 21.

And note well, that in rent secke it behooueth him that sueth for the rent secke for to shew a deed to the tenant, or else the tenant shall not be charged with

Et nota bien, que si rent secke soit grant a vn home & ses heires, & le rent soit aderere, et le grantour deuie, le heire ne pourra my distrayner, ne recouera les arerages de temps son pere, sicome est auantdit de rent seruice.

Et en mesme le manner est adire de rent charge ou annual rent: Mes en tous les rents auandits le heire purroit auer pur arerages en son temps demesme tiel aduantage come auoit son pere en sa vie. Vide Statut. 32. H. 8. cap. 37.

Et nota bien, que en rent seck si home ne soit seisie del rent, et il soit aderere, il est sans recovery, pur ceo que il fait son folly demesme adeprimmes quant le rent fuit grant a luy ou reserue, que il ne prist my seisin del rent, sicome vn denier ou deux.

Et nota, que home ne poit my auer *Cessauit per biennium*, ou vn autre brieve Dentre sur *Cessauit* pur nul rent secke aderere per deux ans, mes ils purront tant solcmt p rent seruice, vt pater in lestat. West. 2. c. 21.

Et nota, que en rent secke il couient pur luy que sue pur le rent secke pur monstre fait al ternaunt, ou autrement le ternaunt ne serra my charge del rent,

The Exposition of

rent, forsque lou le rent secke
fuit rent seruice adeuant, come
en cest case : Seignieur, mesne,
& tenant, et chescun de eux
tient de auter per homage &
fealtie, et le tenant del mesne
per 10. s. de rent, le Seignieur
paramount purchaſe les terres
ou tenements del tenant, tout
le Seigniorie del mesne, forſ-
prise le rent est extinct : Et pur
ceſt cauſe ceſt rent est deuenus
rent secke, & le rent seruice
change, car il ne poyt distraire
pur ceſt rent, et en ceſt case ce-
luy que demanda le rent ne
ſerra iammes charge de mon-
ſtre fait.

Auxy en brieſe de *Mortdaun-
ceſter, Ayle, ou Beſayle*, de Rent
ſecke, il ne beſoigne de mon-
ſtre eſpecialtie; pur ceo que
ceux brieſes de poſſeſſion
comprehendout vn Title
deins eux meſmes, ceſtaſca-
uoir, que le Anceſtor fuit ſei-
ſie de meſme le rent, & conti-
nua ſon poſſeſſion; per cauſe
de quel ſeiſin le ley ſuppoſe que
est auxy auerrable per le pais.

Tamen quære, car ſeuns
ſuppoſaunt q il couient a ſine
force a monſtre auant fayt,
pur ceo que rent ſecke est vn
choſe encounter commo droit,
auxy bien come rent charge.

Mes en Aſſiſe de *Nouel diſ-
ſeiſin*, & en brieſe de *Entre ſui*

the rent, but where the rent ſerke
was rent ſervice befoze, as in
this caſe : Lord, meſne, and te-
nant, and euery of them holdeth
of other by homage and fealty,
and the tenaunt of the meſne by
10. s. of rent, the Lord para-
mount purchaſeth the lands or
tenements of the tenant, all the
Seigniorie of the meſne, but the
rent is extinct : And for this
cauſe this rent is become Rent
ſecke, and the rent ſervice chan-
ged, for he may not distraine for
this rent, and in this caſe hee
that demandeth the rent, ſhall
never bee charged to ſhew a
Deed.

Alſo in a writ of *Mortdaun-
ceſter, Ayle, or Beſayle*, of Rent
ſecke, it needeth not to ſhew a
ſpecialty, for that theſe writs of
poſſeſſion doe comprehend a
Title within themſelues, that
is to ſay, that the Antecſor was
ſeiſed of the ſame rent, and con-
tinued his poſſeſſion, becauſe of
which ſeiſin the law ſuppoſeth
that it is alſo auerrable by the
country.

Yet learne, for ſome ſuppoſe
that it behooueth of neceſſity to
ſhew forth a Deed, for that that
Rent ſecke is a thing againſt
common right, as well as Rent
charge.

But in Aſſiſe of *Nouel diſ-
ſeiſin*, and in a writ of *Entre ſui*
diſſeiſin

disseisin brought of Rent secke, it behoueth of necessity to shew forth a Writ, for that that rent secke is a thing against a common right, except in the case aforesaid, where it was rent service before, and by the act of law it is become a rent seck.

And Assise of Nouel disseisin, and a writ of Entry sur disseisin, containe within them no title, but suppose a disseisin to be done to the plaintife, and of the intendment of the Law the disseisin giueth no cause of auerment against common right, but of necessity it behoueth to shew forth a Writ.

disseisin port en Rent secke, il couient de Fine force de mŕe auant Fait, pui ceo que rent secke est vn chose enconter common droit, sinon en le case suifdit, ou il fuit rent service aduanc, & per l'act del ley est deuenus rent secke.

Et Assise de Nouel Disseisin, & brieve de Entry sur disseisin, ne cōteigne d'ins eux nul title, mes supposunt vn disseisin d'ee fait a le plaintife, & de entendement del ley, le disseisin ne done nul cause de auerment enconter common droit; mes de fine force il monstre auant especialty.

Repleuin.

Repleuin is a writ, and it lyeth where any man distraineth another for rent or other thing, then hee shall haue this writ to the Sheriffe, to deliuer to him the distresse, and shall find surety to pursue his action, and if he pursue it not, or if it be found or iudged against him, then hee that took the distresse shall haue againe the distresse, and that is called the returne of the beasts; and hee shall haue in such case a writ that is called *Returno habendo*.

Also if it be in any franchise

Repleuin.

Repleuin est vn brieve, & gist quant ascun home distreigne vn autre pur rent, ou autre chose, donques il auera cest brieve al Viscount; pur deliuer a luy le distresse, & trouera surety de pursuer son action, & si il ne pursua, ou si soit troue & iudged enconter luy, donques cestuy que prist le distresse re-auera distresse; & cest appelle retourne des Auers, & il auera en tiel case brieve que est appel *Returno habendo*.

Auxy si soit e ascun franchise
ou

ou Bayliuicke, le party auera vn *Repleuin* del Viscount directe al Bailife de m̄le franchise, per eux redeliuer, & il trouera surety de persuer son action al prochaine Countrey. Et cest *Repleuin* peut estre remouue hors del Countrey en le Common banke per brieve de *Recordare*.

Vide plus de *Repleuin* deuant titre *Distresse*.

Auxy brieve de *Homine replegiando* gist lou vn home est en prison, & nemy per especiall commandement le Roy, ne des Iustices, ne pur le mort de home, ne pur le Forest le Roy, ne pur tiel cause que nest repleuissable, donques il auera cest brieve direct al Viscount, que il luy faire este repleuy : & cest brieve est vn *Iustices*, & nient retournable, & si le Viscount ne ceo face, donques il sera auter brieve, *Sicut alias* : & apres auter brieve, *Sicut pluries, vel causam nobis significes*, que sera retournable, & si le Viscount encore ne face repleuin, donques il sera vn *Attachment* vers le Viscount, direct al Coroners dattacher le Viscount, & de luy amesner deuant les Iustices a vn certaine iour, & ouster ceo que ils facent execution del primer brieve.

or *Writ* to the Bayliffe, the party shall haue a *Repleuin* of the Sheriffe, directed to the Bayliffe of the same franchise, for to deliuer them again, and hee shall find surety to persue his action at the next Countrey. And this *Repleuin* may be remoued out of the Countrey vnto the Common place by *Writ* of *Recordare*.

Look moze of *Repleuin* in the title of *Distresse*.

Also a *Writ* of *Homine replegiando* lyeth where a man is in prison, and not by speciall commandement of the King, nor of his Iustices, nor for the death of a man, nor for the Kings foreste, nor for such cause that is not repleuissable, then he shall haue this *Writ* directed to the Sheriffe that he cause him to be repleued: this *Writ* is a *Iustices*, and not retournable, and if the Sheriffe do it not, then there shall go forth another *Writ*, *Sicut alias*: and afterwards another *Writ*, *Sicut pluries, vel causam nobis significes*, which shall be retournable, and if the Sheriffe yet make no repleuin, then there shall go forth an *Attachment* against the Sheriffe, directed to the Coroners to attach the Sheriffe, & to bring him before the Iustices at a certain day, & furthermore that they make execution of the first *Writ*.

Replication.

Replication

Replication is when the def.
in any action maketh an an-
swer, and the plaintife maketh
an answer to that, that is called
the Replication of the plaintife.

Reprises

Repries are deductions, pay-
ments, and duties, that are
yearly, and are payed out of a
man's own charge, rents,
secke, pensions, royalties, annui-
ties, fees of stewards, or bay-
lives, and such like.

Reprise

Reprise comes from the French
(Repris, that is, retenir againe)
so that to reprise is properly to
take backe a prisoner from the
execution and proceedings of the
lawe so; that time.

Re-recoutie

Rere-countie is a word used in
the Statutes of Westminster 2.
chap. 39. & 2. R. 3. chap. 5. and 12.

Replication

Replication est quant le de-
fend en alcun action faye
repons, & le plaintife fait un
repons a ceo, ceo est appel le
Replication del plaintife.

Reprises

Repries sont deductions, pay-
ments, et duties, que vau-
tent par an, et sont pay hors de un
man's own charge, rents,
secke, pensions, royalties, annui-
ties, fees de seneschals, ou
bay lives, et deis semblables.

Reprise

Reprise venant del English
(Repris, Resumptus,) il s'entend
que reprise est proprement
de resumer un prisonier del exe-
cution et proceeding del ley
pur ceo temps.

Re-recoutie

Rere-countie (Re-recoutie)
est un pol vie e lestat West. 2.
cap. 39. & 2. R. 3. cap. 5. et

M m sembla

The Exposition of

semble per ceux flantes desire
aucun publique lieu que le Vis-
count appoint par le reit des
deniers le Roy apres le fine de
son County court.

seemes by those statutes to be
some public place which the
sheriff appointeth for the re-
ceiving of the kings money after
that his county court was done.

Rescous.

Rescous est quant aucun ac-
tion est port vers tenants pur
terme de vie, ou pour a terme
de ans, et cesty en la reversion
vient eins et pria desire recou-
re par defende. Et Tenir, et par
pleader oucque le demand-
ant. Auxy quant il vient il
comence que il soit douter soit
par a pleader ouc le demand-
ant. Et mesme le maner vn
semeestre apres le port de fault
sa baron en action port vers
ambideux. Et auxy Tenant
pur ans serra rescous a defend
son droit, lou en vn Action
port vers tenant del frankene-
ment il ple de fault.

Rescous.

Rescous est vn briefe, & gift
quant aucun home prent di-
stresse, et vn autre repaie le di-
stresse de luy, et ne voile suffer
luy amefiner le distres oue luy,
donques il fait a luy rescous,
et sur ceo il poit auxy eschibris,
et recouera damages.

Rescous.

Rescous is when any action is
brought against the tenant
for terme of life, or quant for
terme of yeares, and he in the
reversion cometh in and pray-
eth to be received for to defend
the land, and to plead with the
demandant. And when he
cometh to be received that he be
always ready to plead with the
demandant. In the same man-
ner a wife shall be received for
the default of her husband in an
action brought against them
both. And also quant for yeares
shall be received to defend his
right, where in an action brought
against him. And when the first
both be pleached jointly.

Rescous.

Rescous is a writ, and it lyeth
when any man taketh a di-
stres, & another cometh againe
from him, & will not suffer him
to carry the distresse with him,
that he doth in his writ, and
that he may have this writ,
and shall recover damages.

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Also if one distraine beasts for damage feasant in his ground, and drive them in the high way for to impound them, and in going they enter into the house of him whose they be, and he withholdeth them there, and will not suffer the other to impound them, then that withholding is a rescous.

Auxy si vn distrain bestes par damage feasant en sa terre & les enchaine par le hault chemin par eux enparker; et en allant ils entrent en le maison de celuy a que ils sont; et il par detient la, et ne voille laisser l'autre de eux enparker; donques ceo detainer est rescous.

Reservation.

Reservation is taken diuers wayes, and hath diuers natures, as sometimes by way of exception, to keepe that which a man had before in him: as if a lease bee made for yeares of ground, reseruing the great trees growing upon the same, notwithstanding the lease may not meddle with them, nor with anything that cometh by reason of them, so long as it abideth in or upon the trees, as mast of Oke, Chesnut, Apple, &c. But if they fall from the trees to the ground, then they are in right of the lessee, for the ground is his, and all that upon it is his.

Sometimes a reservation doth get and bring forth another thing which was not before: as if a man lease his lands, reserving yearly for the same xx. li. &c. and diuers other such reservations there be.

Reservation.

Reservation est prise diuers voyes, et ad diuers natures, come aucun fois par voye d'exception, de reserue ceo que vn homme ad dedaint en luy. Come si vn lease soit fait pur ans de terre, reservant les grands arbres croissant sur ceo, ou le lessce ne poist meddle oucouer eux; ne oucouer aucun chose que vient pur reason de eux, cy longe come il demurt en ou sur les arbres, come mast d'oake, Chesnut, pomes, &c. Mais si chient del arbres al terre, donques il sont en droit de lessce, car le lessce est chief a luy, et tout sur ceo nient reserue, &c.

Aucun fois vn reservation obtaine et port hors vn autre chose que ne soit dedaint. Come si vn homme soit seigneur de terres reservant annuellement pur ceo xx. li. &c. Et diuers autres telles reservations y sont.

M m z R

The Exposition of

Et nota, que en aucient temps, leur reservation furent cibien (ou par le plus part) en victuals, soit ceo carne, pische, blees, pane, boyer, ou autrement, come en money, tanq al darraigne & specialment en le temps del Roy Henry le 1. par agreement, le reservation de victuals fuit change en prist money, come il ad tanque ey continue.

And note, that in aucient time, their reservations were as well (or for the more part) in victuals, whether flesh, fish, corn, bread, pynke, or what else, as in money, untill at the last, and that chiefly in the reign of King Henry 1. by agreement, the reservation of victuals was changed into ready money, as it hath hitherto since continued.

Residence.

Residence venut del Latine (*Residere*) et est tout vn que residence, si non que cest paroll residence est plus tost appropriate al continuance dun Parlon ou Viear sur son eglise ou benchice, et issint est vsé en lestatute de 28. H. 8. chap. 13.

Residence.

Residence comes from the Latine (*Residere*) and it is all one with residence, but that this word Residence is oftener appropriated to the continuance of a Parlon or Vicar upon his Church or benefice, and so is vsed in the statute of 28. H. 8. chap. 13.

Resignation.

Resignation est lou vn Incumbent de un Eglise resigne ou relinquish al Ordinarie, que luy ait admit a ceo, ou a ses successors, et ceo differt del surrender, quant per cel il a que le resignation est fait nad aucun interest en le chose issint resigne, mes cestuy a que surrender est fait auoir per ceo le

Resignation.

Resignation is where an Incumbent of a Church resigneth or leaueth to the Ordinarie, which hath admit him to it, or to his successors, and that differeth from surrender, when by that, he to whom the resignation is made, hath no interest in the thing so resigned, but he to whom the surrender is made, hath

both by that the thing is still
by the surrender.

chose meisme per ceo sur-
render.

Resummons.

Resummons.

Resummons is a second sum-
mons of a man to answer to
an action where the first sum-
mons is defeated by the demise
of the King, or such other cause.
And of this see Coke, Booke 7.
fo. 29. b.

Resummons est vn second
summons dun home pour
responder al vn action lou le
primer summons est defeat per
le demise le Roy, ou tiel sem-
blable cause. Et de ceo veies
Coke lib. 7. fo. 29. b.

Resumption.

Resumption.

Resumption is a word used in
the Statute of 31. H. 6. chap. 7.
and is there taken for the tak-
ing againe into the Kings
hands such lands or tenements
as byon false suggestion or other
error he had made liuery of to
an heire, or granted by patent
vnto any man.

Resumption est vn parol vse
en le Statute de 31. H. 6. cap.
7. et est la prise par le repren-
dre en les maines le Roy de
tiels terres ou tenements come
sur faux suggestion ou autre
error le Roy vsoit deliuer al
vn heire, ou graunt per patent
al ascun home.

Retraxit.

Retraxit.

Retraxit is the preterperfect
tense of Retraho, compoun-
ded of Re and Traho; which
make Retraho, to pull backe.
And is when the pty plaintiffe
or demandant cometh in pro-
per person into the court where
his ple is, and saith that he will

Retraxit est le preterperfect
tense de Retraho, com-
pounde per Re & traho, que
signifie Retraho, par eualler
arere. Et est quant le party
plaintiffe ou demandant vient
en proper person en le Court
lou son suit est, et dit que il ne

The Exposition of

*Non vltimus profectus in placito
ille, &c.* Ore ceo terra vn bairt
al action a tous iours.

now practis any further in the
law, &c. now this will be a help
to the action for euer.

Reue.

Reue.

Reuē est vn officer, mais
plus conuz en auncient
temps que a ceo iour : car chei-
cun manour ad donques vn
Reue, & vncore en diuers co-
pichold manours (ou le veile
custome ascun chose preuale)
le nosme et office nelt en tout
oblie : Et est en effect ceo que
a ore chei-cun Bailife de vn
mannour practise, nient ob-
liant le nosme de Bailife ne
fuit donques en vie enter nous,
estant puis par eias perles
Normans : Mes le nosme de
Reue, anciennement appelle
Gerue, (quel particule (Ge)
en continuance del temps fuit
oustierment omise et perde)
vient del Saxon parol *Geru*,
que signifie vn Ruler : Et ilint
verament son rule et auctori-
tie fuit large deins le compasse
del mannour son Seignour,
et enter ses homes et tenaunts,
sibien en choses de gouern-
ment en peace et guerre, come
en le skilfull vse et trade de
husbandrie : Car sicome il
collect les rents del Seignour,
pay reprises ou duties, issuant
hors del mannour, appoint les
seruants de woiker, succide &

Reuē is an officer, but more
knowne in auncient time
than at this day : for almost eu-
ery manour had then a Reue,
and yet still in many Copchold
manours (where the old cus-
tome anything preuaileth) the
name and office is not altogether
forgotten : And is in effect that
which now euerly Bailife of a
mannour practiseth, although
the name of Bailife was not
then in use amongst us, being
since brought in by the Nor-
mans : But the name of Reue
anciently called Gerue, (which
particule (Ge) in continuance of
time was altogether let out and
lost) came from the Saxon
word *Geru*, which signifieth a
Ruler : And so indeed his rule
and authority was large within
the compasse of his Lords man-
nour, and among his men and
tenaunts, as well in matters of
government in peace and war,
as in the skilfull vse and trade
of husbandrie : For as he did
gather his Lords rents, pay
reprises, or duties, issuing out
of the mannour, set the ser-
uants to woike, sell and ex-
change things to requite the
bail

buildings and inclosures, with
diuers such like for his Lordes
commodities. He also he had
authority to gouerne and keepe
the tenants in peace, and if need
required to lead them forth to
warre.

decoupe arbres pur repayres
les edifices, & enclosures, oues,
que diuers tiels semblables pur
le commodité del S^r. Il lunt
auxy il ad auctorité de gouer,
& gard les reñts en pax, et si
beloign & conduit eulx à guerre.

Reuerſion.

Reuerſion of land, is a cer-
taine eſtate remaining in
the leſſour or donour, after the
particular eſtate and poſſeſſion
conueyed to another by leaſe for
ſite, or years, or gift in taile.

And it is called a Reuerſion
in reſpect of the poſſeſſion ſepa-
rated from it: ſo that hee that
hath the one, hath not the other
at the ſame time for being in one
body together, there cannot be
ſaid a reuerſion, becauſe by the
putting, the one of them is bro-
ken in the other.

And ſo the reuerſion of land
is the Land it ſelfe when it
faileth.

Riot.

Riot, is where three (at the
leaſt) or more, doe ſome vi-
olent act: as to beat a man,
enter upon the poſſeſſion of ano-
ther, or ſuch like.

Reuerſion.

Reuerſion de terre, eſt vn
certaine eſtate remain-
ant en le leſſour ou donour,
apres le particulier eſtat & poſ-
ſeſſion conuey al vn aut p leaſe
p vie, ou ans, ou done en taile.

Et eſt appel vn Reuerſion en
reſpect de le poſſeſſion ſeparate
de ceo, Il lunt que il que ad le
vn, nad le auter a meſme le
temps, car eſtant en vn corps
ſimul, la ne poit eſtre dit vn
Reuerſion, pur ceo que peẽ
le vniung. l'un eſt merge en
l'auter.

Et il lunt le reuerſion del
terre eſt le terre meſme quant
il eſchueſt.

Riot.

Riot eſt lou trois (il meins)
ou plures font aucun il-
loyall act: come de bater vn
home, entre ſur le poſſeſſion
d'un auter, vel nuire moult.

Mm 4 Rob.

Robberie.

Robberie est quant vn home prent ascun chose del person d'un autre feloniously, coment que la chose prise ne soit al valde forique d'un denier, vncore il est felonie, pur quelle offender suffera mort.

Rout.

Rout, est quant people assemble eux mesmes, et puis procedant, ou chiuauchant, ou alant auant, ou mouent per instigation de vn ou plurs, que est conductor de eux : cest appel vn Rout, pur ceo que ils mouent et proced en routs & numbers.

Item ou plures assemble eux sur lour quarrels et braules de meisme : Come si les inhabitants d'un Ville voile assembler eux, pur debruier huys, mures, fosses, pales, ou tiels semblables, dauer common la, ou de batur vn autre que ad fait eux vn common displeasure, vel huiusmodi, cest vn Rout et encounter le ley, coment que ils nont fait ou mis en execution lour male entent.

Vcies l'estature 1. M. cap. 12.

Robberie.

Robberie is when a man taketh anything from the person of another feloniously, although the thing so taken be not to the value but of a penny, yet it is felony, for which the offender shall suffer death.

Rout.

Rout, is when people doe assemble themselves together, and after doe proceed, or ride, or goe forth, or doe moue by the instigation of one or more, who is their leader : This is called a rout, because they doe moue and proceed in routs and numbers.

Also where many assemble themselves together upon their owne quarrels and braules : as if the inhabitants of a towne wol gather themselves together to breake hedges, pales, or such like, to haue common there, or to beat another that hath done to them a common displeasure, or such like, that is a Rout, and against the law, although they haue not done or put in execution their mischievous intent.

See the Statute 1. Ma. cap. 5.

Sake.

S.

2

Sake.

SAke, that is a pleé and coꝛ-
rection of trespasse of men in
your court, because Sake in
English, is Acheson in French,
and sake is put foꝛ sicke, as to
say foꝛ sicke, sake, also foꝛ what
hurt, and sake is put foꝛ foꝛfeit.

And see Keloway in his cases
in certis temporis, fo. 145. a. that
the priuiledge called Sake is foꝛ
a man to haue the amercia-
ments of his tenants in his own
Court.

Salarie.

Salarie is a word often used in
our booke, and it signifies a
recompence oꝛ consideration gi-
uen vnto any man foꝛ his paines
bestowed vpon another mans
businessse. And it is so called, as
Pliny saies in the 31. booke of his
Nat. histoꝛy, chap. 7. because it
is as necessary foꝛ a man as salt,
and makes his labour relish as
salt doth his meat.

S.

Sake.

SAke, hoc est placitum ad
Semenam de transse homi-
num in curia vestra, quia
Sake Anglice, est Acheson Ga-
lice, & sake est mis p sicke, et di-
cit p sicke, sake, idem qd p gl a-
chelon, et sake dicitur pur forfeit.

Et veies Keloway Casus inter-
tis temporis, fo. 145. a. que le pri-
uiledge appel Saks est d'aueir
les amerciamens de ses te-
nants en son court demesne.

Salarie.

Salarie (Salarium) est vn pa-
rol mult vse en nostre li-
uers, et signifie vn recompence
ou consideration donee al ascun
pur son labour imply sur les
besoignes dun auter. Et est is-
sint appel come Pliny dit lib. 31.
Nat. hist. cap. 7. quia tam neces-
sarium est quam sal homini, et la-
bores suos sapit, ut sal cibos.

Sanctuaris.

Sanctuarie.

Sanctuarie.

Sanctuarie est vn lieu priuilege per le Soueraigne pur le garder des vies du homes queux sont pechers, esteuant foudue sur le ley de mercie, et sur le grand reuerence, honours, et deuotion. Le Soueraign port al lieu aq'il graunta tiel priuilege, q' fuit si grand en temps pacie, que les Soueraignes ont graunt meisme en cases de treason perpetres ensouuer eux meismes, murder, rape, ou autre crime quecunque, de ceo veies *Stamford pl. del. cor. lib. 2. m. 38.*

Sanctuarie is a priuiledge place by the Prince for the safeguard of men's lives which are offenders, being founded upon the law of mercie, and by on the great reuerence, honour, and deuotion which the Prince beareth to the place whereunto hee granteth such a priuiledge, which was heretofore so great, that the Princes haue granted the same in cases of treason committed against themselves, murder, rape, or other crime whatsoeuer, heretofore *Stamford pl. of the Crowne lib. 2. cap. 38.*

Sarpler.

Sarpler.

Sarpler est vn quantitie de lane que en Escoce est appelle Serplath, et containe 30. stone de lane, et oue notis en Anglitterre vn corde de lane consista (per le opinion de aucuns) de 30. todde, et chescun de ceux todde containa deux stone, et chescun stone 14. lieters, et que vn sacke de lane est en frequent estimation egal oue vn corde, et vn Sarpler le moitie dun Sacke.

Sarpler is a quantitie of wooll which in Scotland is called Serplath, and containeth 30. Stone of wooll, and which vs in England a load of wooll containeth (by the opinion of some) fourescore todde, and euery of the todde containe two stone, & euery stone fourescore pounds, and that a sacke of wooll is in common account equall with a load, and a Sarpler the one half of a Sacke.

Scanda.

Scandalum magnatum.

Scandalum magnatum is an evil report invented or dispersed to the prejudice or slander of any great personage or officer of the Realme. The punishment for which is enacted by divers statutes, viz. West. 1. cap. 33. 2. R. 2. cap. 5. & 12. R. 2. cap. 17.

Scauage.

Scauage or Shewage, is a toll exacted by the Bishops, Sheriffs, and Baylives of Cities and Townes corporate, for wares or merchandise shewed to be sold within their precincts or jurisdiction, which exaction being against the privilege of the Kings subjects, was prohibited by a statute made in 19. H. 7. cap. 8. see 31. H. 7. fo. 24. a. & for the statute of 21. H. 8. cap. 8. in the end thereof.

Scire facias.

Scire facias is a writ issued going out of the record, and it lyeth where one hath recovered debt or damages in the Kings

Scandalum magnatum.

Scandalum magnatum est un male report inventé ou dispersé au prejudice ou slander d'aucun grand personage ou officer del Realme. Le punishment par que est enacté par divers statutes, viz. West. 1. cap. 33. 2. R. 2. cap. 5. & 12. R. 2. cap. 17.

Scauage.

Scauage ou Shewage est un toll exacté par les Evêques, Viscouns, et Baylives des Cities et Boroughs corporate pour wares ou merchandises shewées estre vendues dans leur precincts et jurisdiction, quel exaction estant encontre le privilege des subjects le Roy, fut inhibé par un statut fait en 19. H. 7. cap. 8. et par un autre fait en 21. H. 8. cap. 8. in fine.

Scire facias.

Scire facias est un writ issué judiciaire issuant hors d'record, et gît louz au recouvr d'écrit ou d'ammages en court le Roy, et il

et il ne face pas d'autre execution
deins lan et le iour, donques ap-
prehen le iour il aura le dis-
brieve a gainer le partie, et si
le partie ne vient; ou si il vient
et ne scauoir fiens dire encoun-
ter execution, donques il aura
vn brieve de *Fieri facias*, dire-
ct al Viscount; luy comman-
dant que il leue le dette ou les
damnages des biens celuy que
le perdus.

Auxy le brieve de *Fieri fa-
cias* gist deins lan sans aucun
Scire facias suer.

Auxy si le somme de meisme
de dette ou damages ne poit
estre leuee des biens celuy que
auoit perdue, donques il poit
auoir vn brieve de *Elegit*, direct
al Viscount, que il face luy deli-
liuer la moitié de sa terre &
biens, except ses boues, et al-
fries de sa charue.

Auxy quant vn ad recouer
dret ou damages en action per-
sonal, (lou le proces est vn *Ca-
pias*) il poit auoir vn autre brieve
de execution, appelle *Capias ad
satisfaciendum*, pur prender le
corps celuy que est issint con-
demne, que serra commis al
prison, illoques a demurrer
sauns bayle ou mainprise, tanq
il ad satisfie le partie.

Auxy quant vn ad iudge-
ment d recouer aucun terres ou

rent, and he saeth not to haue
execution within the yeare and
the day, then after the yeare and
the day, he shall haue the sayd
writ to haue the party, and if
the party come not, or if he come
and nothing say, to discharge or
say the execution, then he shall
haue a writ of *Fieri facias* di-
rect to the Sheriffe, him com-
manding that he leue the debt or
damages of the goods of him
that hath lost.

Also the writ of *Fieri facias*
lyeth within the yeare without
any *Scire facias* sued.

Also if the somme of the same
debt or damages may not be le-
ued of the goods of him that
hath lost them, he may haue a
writ of *Elegit* directed to the the-
rife, that he cause him to deli-
uer the one half of his lands
and goods, except his oxen, and
implements of his cart.

Also when one hath recone-
red debt or damages in an action
personall, (where the proces is
a *Capias*) he may haue another
writ of execution called a *Capias
ad satisfaciendum*, to take the bo-
dy of him that is so condemned,
which shall bee committed to
prison, there to abide without
bayle or mainprise, till that he
hath satisfied the party.

And when one hath iudge-
ment to reconer any lands or
rents

tenements, he shall have a writ called *Habere facias seisinam* directed to the Sheriffe, him commaunding to deliver to him seisin of the same land so recovered: the more of that in the title *Fieri facias*, and in the title Execution.

tenements, il aura vn brieffe appelle *Habere facias seisinam* directe al Vescounr, luy commaunding, de deliuer a luy seisin de mesme le terre ainsi recou. Veies plus de ceo en le title *Fieri facias*, et en le title Execution.

Scot.

Scot, that is to be quit of a certain Custom, as of common tallage made to the use of the Sheriffe or Maylie.

Scot, hoc est quietum esse de quadam consuetudine, sicut de communi tallagio facto ad opus Vicecom. vel baliu eius.

Scotale.

Scotale is an extortion prohibited by the Statute of Charta de Foresta, cap. 7. and it is where any officer of the forest, keeps an alehouse, to the intent that he may have the customs of the inhabitants within the forest to come and spend their money with him; and for that he shall make arrests on offences committed within the forest.

Scotale, est vn extortion prohibita per le Charta del Forest, cap. 7. et est lou aucun officier del forest tene vn Alehouse al intent que pour auer le custome des inhabitants deins le forest, de venir et expender leur deniers oule luy, et pour ceo il comence a leur offences commise deins le forest.

Sellon.

Sellon comes of the French (*Sellon*) that is to say, the ground rising betwixen two furrows, in latine *Pars a ridge*,

Sellon (*Sello*) venist del Francoys *Sellon*, id est terra elata inter duos sulcos, en Latine *Pars*; et n'est d'aucun certain

The Exposition of

qualitee, mes a l'un fois con-
taine plus, et a l'un fois moins.
Et par ces *Crompton* en son
Jurisdiction des Courts, fo.
221. dit que vn felon ne peut
estre demandé, es que est vn-
certaine.

and it is not of any certain qual-
ity, but sometimes more, and
sometimes lesse. And therefore
Crompton in his Jurisdiction of
Courts, fo. 221. saith that a fel-
lion cannot be demanded, be-
cause it is vncertaine.

Seneschal.

Seneschall.

Seneschall (*Seneschall*) est vn pa-
reol Francois, emprant del
Germanois, et signifie un
qui auoit le dispensation del
Iustice en aucun particular ca-
ses come *Stamf. pl. cor. fo. 152.*
B. Le grand Seneschal del
Angleterre, ou des affaires dun
familie, come *Cromptons* Ju-
ridiction fo. 102. Seneschal del
Hosiel le Roy, et lestatute de
25. E. 3. stat. 5. cap. 21. et auers.

Seneschal (*Steward*) is a French
word borrowed of the Ger-
man, and signifies one that
hath the dispensing of Justice
in some particular cases, as
Stamf. pl. of the Cr. fo. 152. B. for
high Steward of England, or
of the affaires of a family, as
Cromptons Jurisdiction, fo. 102.
*Steward of the Kings house-
hold, and 25. E. 3. stat. 5. chap. 21.*
and others.

Sequestration.

Sequestration est le mitter a-
part dun chose in contro-
uersie del possession d'am-
bideux que contend par ceo.
Est vse auxy par le act dun or-
dinary, quauant nul voit intro-
mitter oue les biens et chattels
dun q est mort, cōc. en 4. & 5.
M. Dyer fo. 160. b. & 7. E. 1. Dyer
fo. 232. a. Et issint est vse auxy p
le collector des fruits et profits
dun benefice q est void, al vse
del prochaine Incumbent, per
lestatute de 25. H. 8. cap. 11.

Sequestration.

Sequestration is the setting a-
side of a thing in controuersie
from the possession of both
those that contend for it. It is
vied also for the act of an ordi-
nary, when no man will medle
with the goods and chattels of
one deceased, as 4. & 5. M. Dyer,
fo. 160. b. & 7. Eliz. Dyer 232. a.
And so it is vied also for the ga-
thering of fruits and profits of a
benefice voyd, vnder the vse of the
next Incumbent, by the statute
of 25. H. 8. chap. 11.

Knights

Knights Service.

TO hold by Knights Service, is to hold by Homage, Fealty, and Service, and to pay the lord some certain service, and to be his knight, and to be his knight, and to be his knight.

And now, this knights service is service of lands or tenements, to beate Armes in war in defence of this Realme, and to oweth some other service, by reason that none is able, nor of power, or may have knowledge to beate Armes, before that he be of the age of full years. And to the end, that the Lord shall not take that they of right be ought to have, and that the power of the Realme be nothing weakened, the Law will because of his power and that the Lord shall have him, and his lands in his ward, as the full age of him, that is to say, of him.

And of that most is the title Grand Serjeant, and in the title of a knight.

Shack.

SHack is a peculiar name of Common, used in the county of Norfolk, and Catrell go to a back, is as much to say,

Service de Chevalier.

TENIR par service de Chevalier, c'est a tenir par Homage, Fealty, & Service, et a payer au lord some certain service, et a estre son chevalier, et a estre son chevalier.

Et now, que service de Chevalier est service de terres ou tenements, pur armes porter en guerre en defence del Royaume, et doit par lord mariage appent, per reason que nul est able, ne de power, et ne poit aver connaissance de armes porter, de avant que il soit de l'age de xx ans. Et al fins que le Seigneur ne perdesse son droit de droit il poit avoir, et que la power de la Royaume de rien ne soit enfeible, la ley veut par cause de son, tender age que le Seigneur luy aue en la Garde, tanqua il plein age de luy, c'est a dire, de luy.

Voies de ce, plus en lesi le Grand Serjeant, et en le title of a knight.

Shack.

Shack est un nom particulier de Common, use en le pais de Norfolk, et auers de ales a shack, est tant adire come de aler

aler a libertie, ou de aler alarge.
It is common appel Shack,
que on le contraindoient fuir
forsque en nature de vn fee-
ding, pur cause de vicinage, &
avoiding of suit; en ascuns lieux
deins cest pays est per custome
alter en nature d'un common
appendant ou appurtenant, et
en ascun lieux ceo retaine son
original nature. *Co. lib. 7.*
Al. 5.

Sessions.

Sessions en nostre ley est vi-
siance des Iustices en court
sur leur commission; come
les Sessions de Oyer et Ter-
miner, *St. pl. Cor. fol. 67.* Quar-
ter Sessions, autrement appelle
general Sessions, ou ouert Ses-
sions, *Anno 5. Eliz. cap. 4.* en
couter queux sont priure ou
especial Sessions; queux sont
procure sur ascun especial oc-
casion, pur le plus subite se-
sance de Iustice, *Cromp. Justice*
de P. fol. 112. Queux choses
sont enquirable en general
Sessions veies *Cromp. vt supra,*
& fol. 109. Petit Sessions, ou
Statute Sessions, sont tenus per
le hault Constable de chescun
hundred pur le placing de ser-
vants, *Anno 5. El. cap. 4.* in fine

asto goe at libertie. or to goe at
large. And this Common cal-
led Shacks, which in the begin-
ning was but in nature of a fee-
ding, by cause of vicinage, for
avoiding of suit, in some pla-
ces within this County, is by
custome altered by the nature
of Common appendant or ap-
purtenant, and in some places it
retaineth its original nature;
Co. lib. 7. fol. 67. Al. 5.

Sessions.

Sessions in our Law is a vi-
siance of Iustices in Court
upon their commission, as the
Sessions of Oyer & Terminer,
St. Pl. Cor. fol. 67. Quarter Ses-
sions; other which called general
Sessions, or ouert Sessions, *5.*
Eliz. cap. 4. opposite which are
appoynted especial Sessions,
which are procured upon some
especial occasion, for the speedy
expedition of Justice, *Cromp.*
Justice de P. fol. 112. and what things
are inquirable in general Ses-
sions, see *Cromp.* as above, and
fol. 109. Petit Sessions or Sta-
tute Sessions are held by the
high Constables of every Hun-
dred for the placing of servants;
Anno 5. Eliz. cap. 4. in the end.

Sewers.

Sewers.

Sewers seemes to bee a word compounded of two french words (*seoir*, to sit, and *eau*, water) for that the Sewers are Commissioners that sit by vertue of their Commission and authority grounded vpon diuers statutes, to enquire of all nuisances and offences committed by the stopping of riuers, erecting of mills, not repaying of bankes and bridges, &c. and to tax and rate all whom it may concerne for the amending of all defaults which tend to the hindrance of the free passage of the waters through her old and ancient courses. See the statute of 6 H. 6. chap. 5. & 23. H. 8. chap. 5. for the forme of their commission.

Seuerance.

Seueraunce is the singling of two or more that are ioyned in a writ: as if two are ioyned in a writ *De libertate probanda*, and the one afterward is non-suited, in this case seuerance is permitted, so that notwithstanding the nonsuit of the one, the other may alone proceed, F. N. B. fo. 78. See of this Brook. tit. Seuerance & Summons, fo. 238. ff.

Sewers.

Sewers semble destre vn parol compound des deux parols François, (*seoir*, *seider*, & *eau*, *aqua*) pur ceo que les Sewers sont commissioners qui sont per vertue de leur commission et autorité foundue sur diuers statutes, d'inquire des tous nuisances & offences faits per lestopper des riuers, crecter des molins, non repaier des bankes et bridges, &c. et pur taxer et rater tous qui poit concerne pur le amender des tous defaults que sont al hindrance del francke passage del eau per ses vieux et anciens courants. Veies lestar. 6. H. 6. cap. 5. & 23. H. 8. cap. 5. per le forme de leur commission.

Seuerance.

Seueraunce est le mitter hors de vn ou plusors que sont ioyne en vn brieve: Come si deux sont ioyne en vn brieve *De libertate probanda*, et puis l'un soit nonsuit, en cest cas seuerance est permit, insint qu'il nient obstant le nonsuit de l'un, le autre poit seueralment proceed, F. N. B. fo. 78. de ceo veies Brook. tit. Seuerance et Summons. fo. 238.

Na Car

The Exposition of

Car est plus dur a cognoistre en queux cases Seuerance est permit, que quel y est. La est auxy Seuerance en Affise, veile fleur Dentries fol. 81. Col. 4. Et Seuerance en Attaint, fol. 95. Col. 2. Et Seuerance en Dente, fol. 200. Col. 1. Et Seuerance en Quare imped, Coke lib. 5 fol. 97.

It is harder to know in what cases Seuerance is permitted, than what it is. There is also Seuerance in Affise, old Booke of Entries fol. 81. Col. 4. And Seuerance in Attaint, fol. 95. Col. 2. And Seuerance in Dete, fol. 200. Col. 1. And Seuerance in Quare imped, Col. 5. fo. 97.

Shewing.

Shewing, hoc est quietum esse cum attachiamento in aliqua Curia, et quorum quibuscunque in querelis ostensis, et non aduocat.

Shewing.

Shewing, that is to bee quit with attachment in any court, and before whomsoever in plaints shewed, and not assumed.

Sok.

Sok, hoc est secta de hominibus in Curia vestra, secundum consuetudinem regni.

Sok.

Sok, that is suit of men in your court, according to the custome of the realme.

Sockmans.

Sockmans sont les tenants en ancient Demesne, queux tient lour terres per socage, c'est adire de seruite del Carue, et pur ceo ils sont appelle Sokmans, que est tant adire come Tenants, ou homes quux tient per seruite del Carue, ou hōes del Carue: Car Sok signifie un Carue.

Sockmans.

Sockmans are the Tenants in ancient Demesne, that hold their lands by Socage, that is by seruite with the plow, and therefore they are called Sockmans, which is as much to say, as Tenants, or men that hold by seruite of the plow, or plowmen: for Sok signifieth a plow. And

These **Knights** or **Tenants** in ancient Demesne haue many and diuers liberties giuen and granted to them by the law, as well those tenants that hold of a common person in ancient Demesne, as those that hold of the King in ancient Demesne, as namely to be free from paying toll in euery Market, Fair, Towne, and City throughout the whole Realme, as well for their Goods and Chattels that they sell to others, as for those things that they buy for their provision, of other. And thereupon euery of them may sue to haue Letters Patents vnder the Kings seale, directed to his Officers, and to the Mayors, Bayliffs, and other Officers in the Realme, to suffer them to be Toll-free.

Also to bee quit of pontage, murage, and passage, as also of taxes and tallages granted by Parliament, except that the King taxe ancient demesne, as he may at his pleasure, for some great cause.

Also to be free from payments towards the expences of the Knights of the Shire that come to the Parliament.

And if the Sheriffe will distraine them, or any of them to be contributory for their lands in ancient Demesne, then one of them, or all, as the case requirerh,

Et ceux **Sokmans** ou **Tenants** en ancient Demesne, ont plusieurs et diuers liberties done et grant a eux per le ley, cybien ceux **Tenauns** queux tient d'un common person en ancient Demesne, come ceux queux tient del Roy en ancient Demesne, come nosmement destte quite de payer Toll en chescun Market, Fyre, Ville, Citie, et per tout le Royalme, cybien pur leur Biens et Chateaux que ils vende as auters, come pur ceux choses que ils achatierount pur leur provision, de auters. Et sur ceo chescun de eux poyt suer d'aueir Letters Patents descouth le Seale le Roy, directe a ses Officers, et al Maiors, Bailifes, et auz Officers en le Royalme, d' suffer eux destte quit de tolle.

Item destte quit de pontage, murage, et passage, et auxy de taxes et tallages grant per Parliament, sinon q le Roy taxe ancient demesne, come il poye a son pleasure, pur grand cause.

Auxy destte quit de payment a les expences del Chivaliers del Shire, queux vient al Parliament.

Et si le Viscount voyls distreyner eux, ou ascun de eux, d'ee contributory p leur terres en ancient demesne, donqs l'un de eux, ou tous eoe le case require,

N n 2 poit

The Exposition of

poit suer vn briefe directe al Viscount, luy commandant q̄ il ne compelle euz deſtre contributoryes al expences de chivalers. Et meſme le briefe luy com-maund auxy, que ſi il ad diſtraigne euz pur ceo, que il redeliuer meſme le diſt. effe.

may ſue a writ directed to the Sheriffe, commanding him that hee doe not compell them to bee contributory to the expences of the knights. And the ſame writ doth command him alſo, that if he haue already diſtrained them therefore, that hee redeliuer the ſame diſtreſſe.

Item que ils ne deueront eſtre impanel, ne mis en iuries et Enqueſts en le pays hors de leur Mannour ou Seigniorie de ancient demefne, pur les terres queux il teigne la (ſimon que ils ont auters terres al common Ley, pur queux il deueront eſtre charge.) Et ſi le Viscount retourne euz en panels, donques ils poyent auer vn briefe direct a luy *De non ponendis in affiſis et iuratis*: Et ſil face al contrary, donques giſt attachment ſur ceo enuers luy.

Also that they ought not to be impanelled, nor put to Juries and Enqueſts in the Country out of their Mannour Lordſhip of ancient demefne, for the lands that they hold there, (except that they haue other lands at the common law, for which they ought to be charged.) And if the Sheriffe doe returne them in panels, then they may haue a writ directed to him, *De non ponendis in affiſis et iuratis*: And if he doe the contrary, then lyeth an Attachment vpon that againſt him.

Et iſſint eſt auxy ſi les Baylifes des franchises queux ont retourne des briefes voile retourne aucun del tenants queux teigne en auncient demefne en affiſes, ou iuries.

And ſo it is alſo if the Baylifes of franchises that haue retourne of writs, will retourne any of the tenants which hold in ancient demefne, in Affiſes or Juries.

Et auxy deſſe exempts del Leets, & de Turnes de Vicont, ouſq̄ diuers auters ſemblable liberties.

And alſo to bee exempt from Leets, & the Sherifes Turnes, with diuers other ſuch like liberties.

Socage.

Socage.

TO hold in Socage is to hold of any Lord lands or tenements, yielding to him a certaine rent by the yeare for all manner of seruices.

And note well, that to hold by Socage is not to hold by Knights Service, nor to it belongeth ward, marriage, nor reliefe: But they shall double once their rent after the death of their Ancestors, according to that that they be bound to pay to their Lord.

And they shall not bee over measure grieved, as it appeareth in the Treatise of Warres and Reliefe.

And note well, that Socage may be said in 3. manners, that is to say, Socage in free tenure, Socage in ancient tenure, and Socage in base tenure.

Socage in free tenure, is when one holdeth of another by fealty and certaine rent for all manner of seruices, as is before said.

And of all lands holden in Socage the next kinsbodie shall haue the ward, to whom the he-

Socage.

Tener en Socage est a tener de aucun Seignieur terres ou tenements, rendant a luy vn certaine rent per an pur tous manners des seruices.

Et nota, que tener per Socage n'est pas tener per seruice de Chivalier, ne la appent gard, mariage, ne reliefe: Mes ils doubleront vn foits leur rent apres le mort leur Ancestor, selonque ceo q̄ soloyent payera leur Seignieur.

Et ils ne seront ouster mesure greeues, come il appiert en le Treatise de Gards & Reliefe.

Et nota, que Socage poit estre dit en trois manners, ce-
steauoir, Socage en franke tenure, Socage en ancient tenure, et Socage en base tenure.

Socage en franke tenure, est quant vn tient d'un per fealty & certaine rent pur tous man-
ner des seruices, come deuant est dit.

Et de tous terres tenus en Socage le procheine amy auera le Garde, a que le heritage

N n 3

ne

The Exposition of

ne purra my discender tanq al
age le heire p xiiij. ans. cest a ca-
uoir, si le heritage veigh p le pe-
le pere, ceux del part le mere
aueront le gard : Et contra.

Et nota bien, si gardian en
Socage fait waste, il ne serra
my impeache de wast : Mes il
rendra accompt al heire quant
il viendra al pleine age de xxi.
ans. Et veies le statute de *Marle-*
bridge capit. 17. pur cest matter.

Socage de ancient tenure, est
ceo lou les gents en ancient
demesne tenoyent, que ne so-
loyent auter brieft auoir que
le brieft de Droit close, que
serra determine, *Secundum con-*
suetudinem manerii, & le *Mon-*
strauerunt, pur eux discharge
quant leur Seignieur eux dis-
traine pur saird auters seruices
que faire ne duissent.

Et cest brieft de *Monstrau-*
runt doit estre port enuers leur
Seignieur, et ceux tenants
teignent toutes pur vn certaine
seruice, et ils sont franke te-
nants de ancient demesne.

Socage en base tenure, est lou
home tient en auncient de-
mesne, que ne poit auer le *Mon-*
strauerunt, et pur ceo il est ap-
pel le base Tenure.

ritage may not descend till the
age of xxiij. years, that is to say,
if the heritage come by the part
of the father, they of the part of
the mother shall haue the ward :
and contrariwise.

And note well, that if the gar-
dian in Socage do make waste,
hee shall not bee impeached of
waste, but he shall yet accompt
to the heire when he shall come
to his full age of xxi. yeares.
And looke the statute of *Marle-*
bridge cap. 7. for this matter.

Socage of ancient tenure, is
that where the people held in
ancient demesne, which hee no
other wittes haue then the witt
of Right close, which shall be
determined, according to the cu-
stoms of the Mannour, and the
Monstrauerunt, for to discharge
them when their Lord distrayn-
eth them for to doe other ser-
uices that they ought not to doe.

And this witt of *Monstrau-*
runt ought to be brought against
the Lord, and these tenants hold
all by one certaine seruice, and
these be free tenants of auncient
demesne.

Socage in base Tenure, is
where a man holdeth in auncient
demesne, that may not haue the
Monstrauerunt, and for that it is
called the base tenure.

Summe

Summons ad warrantizandum, &c.

Summons ad warrantizandum, &c.

Summons ad warrantizandum,
and Sequatur sub suo periculo.
See of them after in the title
Voucher.

Summons ad warrantizandum,
& Sequatur sub suo periculo;
Veies de ceux apres en le
title Voucher.

Spoliation.

Spoliation is a sute for the
fruits of a Church, or for
the Church it selfe, and it is
to bee sued in the Spirituall
Court, and not in the Temporall
Court. And this sute lyeth
for one Incumbent against ano-
ther Incumbent, where they
both claime by one patron, and
where the right of the Patronage
doth not come in question
or debate. As if a Parson be
created a Bishop, and hath dis-
pensation to keepe his benefice
still, and after ward the Patron
presents another Incumbent,
which is instituted and inducted;
Now the Bishop may have a-
gainst that Incumbent a Spo-
liation in the Spirituall court,
because they claime both by one
Patron, and the right of the
patronage doth not come in the
bate, and because that the other
Incumbent came to the posses-
sion of the benefice by the course of

Spoliation.

Spoliation est un suite par les
fruits d'un Eglise, ou par
L'Eglise mesme, et est desle
sue en le Spirituall Court, et
nemy en les Temporal courts.
Et cest suite gist par un En-
cumbent enuers un autre En-
cumbent, ou ils ambideux
claime per un Patron, et lou le
droit del patronage ne viant
en question ou debate. Come
si un Parson soit cree un E-
uesque, et ad dispensation de
renerson Rectorie, et puis le
Parson presente autre Encum-
bant, que est institue et in-
duct: Ore le Euesque poit au-
uer enuers cestuy Encumbent
un Spoliation en le Spirituall
Court, par ceo que ils ambi-
deux claime per un Patron,
et le droit del patronage ne
viene en debate, et par ceo que
l'autre Encumbent vient a la
possession del benefice per le
course del Ley Spirituall, c'est a

N n 4 seauoir,

Savoir, per institution et induction, issint que il ad colour de *Benefice*, et deste Parson per le espiritual Ley: Car autrement sil ne soit institute & induct, &c. Spoliation ne gist enuers luy, mes pluistost vn briefe de Trespas, ou vn *Affide de Nouel disseisin*, &c.

Issint auxy lou vn Parson que ad pluralite, accept auter *benefice*, per reason: de que le Patron present vn auter Clerk, que est institute et induct, ore l'un de eux poit auer Spoliation enuers le auter, et donq's viendra en debate si il ad vn insuffisant pluralite ou non. Et issint est de deprivation, &c.

Mesme le ley est, ou vn dit a le Patron, que son Clerk est mort, sur que il present vn auter: La le premier Incumbent que fuit surmise deste mort, poit auer vn Spoliation enuers l'auter. Et issint en diuers autres semblables cases, de que veies *Fitz. Natura Breuium fol. 36. G. &c.*

Stablestand.

Stablestand est vn terme del *Forest* leyes; et est quant vn este moue estant en le *forest* oue son arc tend prist

the *Spiritual Law*, that is to say, by institution and induction, so that he hath colour to haue it, and be Parson by the *Spiritual Law*: so; oether wise if he be not instituted and inducted, &c. Spoliation ipeth not against him, but rather a writ of Trespas, or an *Affide of Nouel disseisin*, &c.

So it is also where a Parson which hath a plurality, doth accept another *benefice*; by reason whereof the Patron presents another Clerk, who is instituted and inducted, now the one of them may haue Spoliation against the other, and then shall come in debate if he haue a sufficient plurality or not. And so it is of deprivation, &c.

The same law is where one saith to the Patron, that his Clerk is dead, whereupon hee presents another: there the first Incumbent which was supposed to be dead may haue a Spoliation against the other. And so it is in diuers other like cases, whereof see *Fitz. Natura Breuium fol. 36. G. &c.*

Stablestand.

Stablestand is a terme of the *forest* lawes, and it is when one is found standing in the *forest* with his bow bent ready

to shot at any Dère, or with
his Greyhounds in a lease ready
to slip. See Manwoods Forcest
layes cap. 18. fo. 133. b.

d'escocher al vn daim, ou oues-
que ses leuriens en vn lelle prise
de glister. Veies *Manwoods*
For leyes cap. 18 fo. 133. b.

Stallage.

Stallage.

STallage, that is to be quit of a
certaine Custome exacted for
the street taken or assigned in
Fairies and Markets.

STallage, hoc est, quietum esse
de quadam consuetudine
exacta pro placea capæ vel
assignat in Nundin et Mercat.

Statute Merchant.

Statute Merchant.

TO hold by Statute Merchant,
is where a man knowled-
geth to pay certaine money
to another at a certaine day be-
fore the Mayor, Baylife, or o-
ther Warwintre of any Towne
that hath power to make execu-
tion of the same statute; and if
the Obligor pay not the debt at
the day, and nothing of his
goods, lands, or tenements may
be found within the ward of the
Mayor or Warden before said,
then the Recognisor shall sue the
Recognisance and Obligation
with a certification to the Chan-
cerie under the Kings seale, and
he shall haue out of the Chan-
cery a Capias to the Sheriffe of
the County where he is to take
him, and to put him in prison, if
he be not a Clerke, till he haue

Tener per Statute Merchant,
est lou home conuist a pay-
er certaine deniers a vn au-
ter a certaine iour deuant le
Maïor, Baylife, ou autre Gar-
dien de aucun Ville que ad
poïar de faire execution de
mesme le Statute, & s'il Ob-
ligor ne paye le det a le iour,
et rien de ses biens, terres, ou
tenementz, ne purront estre trou-
uers deins le gard le Maïor ou
Gardien auant dit, mes en au-
ters lieux dehors, donques le
Recognisor suera le Recogni-
fance et Obligation oue vn
Certification a la Chancerie
desous le seale le Roy, et il
aura hors de la Chancerie vn
Capias al Viscount del County
lou il est de luy prender, & mi-
ter luy en prison, si il ne soit
Clerke, tanque il ad fait gree
de

de la dette. Et un quarter de l'an apres ceo que il sera prise, il auera sa terre liuer luy mesme pur faire gree a le partie de le dette, et il poit vender la terre tanque il est en prison, & son vendition sera bone et loyale. Et si il ne face gree deins le quarter dun an, ou sil soit retorne que il nest trouue, et si il ne soit Clerke, adonques le Recognisee poit auer briefe de le Chancery, que est appel *Extendi facias*, direct al tous Viscounts lou il ad terres de extender les terres et biens, et les biens a luy deliuer, et luy seiser en ses terres, a tener eux a luy et a ses heires, et a ses assignes, tanque le debt soit leue ou paye, et pur cel temps il est tenant per Statute Merchant.

Et nota bien, que en un Statute Merchant le Recognisee auera execution de tous les terres que le Recognisor auoit iour de la recognissance fait, et aucun temps puis per force de mesme le Statute.

Et nota bien, Que quant aucun vasse ou destruction est fait per le Recognisee, les executeurs, ou per celui q ad son estat, le Recognisor ou ses heires aueront mesme la ley, come si fust fait de latenant per Statute Merchant.

Et nota bien, & le tenant

make agreement of the debt. And one quarter of the years after that he shall be taken, hee shall haue his land deliuered to himselfe, and make gree to the partie of the debt, and he may sell his land whille he is in prison, and his sale shall be good and lawfull. And if he doe not make satisfaction within a quarter of a years, or if it be returned, that he be not found, and if he be not a Clerke, then the recognisee may haue a writ out of the Chancery, which is called *Extendi facias*, directed to all Sherifes where he hath lands, to extend his lands and goods, and to deliuer the goods to him, and to seise him in his lands, to hold them to him & to his heires, & his assignes, til that the debt be leued or payed, and for that time he is tenant by Statute merchant.

And note well, that in a Statute Merchant the recognisee shall haue execution of all the lands which the recognisor had the day of the recognissance made and any time after by force of the same Statute.

And note well, that when a house or destruction is made by the recognisee, his executors, or by him that hath his estat, the recognisor or his heires shall haue the same law, as to before he was tenant by Statute Merchant.

And note well, that if tenant by

by Statute Merchant hold ouer his terme, hee that hath right may sue against him a *Venire facias ad computandum*, or else enter by and by, as by pontenant by *Elegit*. See the Statute 11. Ed. 1. and of Acton Burnel, and 13. E. 1. de Mercatoribus.

per le Statute Merchant tiens ouster son terme, cestuy que ad droit poit suer enuers luy un *Venire facias ad computandum*, ou enter tantost, sicome sur le tenant per *Elegit*. Veies le Statute 11. E. 1. & de Acton Burnel, & 13. E. 1. de Mercatoribus.

Superfedeas.

Superfedeas is a writ that lyen in diuers cases, as it appeareth by Fitz. N. B. fo. 236. A. but it is alwayes a commandes stay some ordinary proceeding in law, which ought otherwise to proceed.

Superfedeas.

Superfedeas est un briefe que gist en diuers cases, come appiert per Fitz. N. B. fo. 236. A. mais est tousz fois un precepte pour tarier aucun processe en ley, que autrement doit ordinariment proceder.

Supplicavit.

Supplicavit is a writ directed out of the Chancery vnto the Sheriffe and some Iustices of the peace in the County, or to one or more Iustices without the Sheriffe, for the charging of the surety of such an offender that hee shall keepe the peace, and this is by the Statute of 1. E. 3. chap. 15. See Fitz. N. B. 8a. C. and also the Stat. 21. Jac. cap. 8.

Supplicavit.

Supplicavit est un briefe direct hors del Chancery al Vifcount et aucuns Iustices del peace en le County, ou al un ou plus Iustices del peace, sans le Viscount, par le prendre del surety d'un tel vers que est pris que il gardera le peace, et ceo est per le Statute 1. E. 3. cap. 15. veies Fitz. N. B. fo. 8a. C. et veies ore le Statute de 21. Jac. cap. 8.

Sol.

Stylard.

Stylard est vn parol vie en lestatute de 22. H. 8. cap. 8. lou les Merchants Teutonicks sont appellees les Merchants del Stylard, que est vn lieu en Londres lou ceux Merchants ou le fratermay d'eux ont leur abode. Et ceo meale est dis destre ilsint appel par ceo que est edifie sur vn court, en que Aierz soloit destre vsualment vendus.

Stylard.

Stylard is a word used in the Statute of 22. H. 8. cap. 8. where the Hauke Merchants are called the Merchants of the Stylard, which is a place in London where those Merchants or their motherhood haue their abode. And the house is said to be so called, for that it is built upon a Court in which merchaes was wont to be much sold.

Suffragan.

Suffragan est vn parol vie en lestatute de 26. H. 8. cap. 14. et signifie vn titular Euesque, ordeins de ayder et assister Leuesque des Dioeces en son spirituell function. Et est appel Suffraganeus en Latine, par ceo que par son suffrage ecclesiasticall causes sont estre adiudges.

Suffragan.

Suffragan is a word used in the Statute of 26. H. 8. cap. 14. and it signifies a titular Bishop appointed to helpe and assiste the Bishop of the Diocess in his spirituell function. And he is called Suffraganeus in Latine, because that by his suffrage ecclesiasticall causes are to be adiudged.

Sur cui in vita.

Sur cui in vita is a writ that lies for the heire of an inheritor, whose husband aliened the inheritance of his wife, and the wife dies before she recovered it in a Cui in vita: see for this Fitz.N.B.194.C.

Sur cui in vita.

Sur cui in vita est vn briefe que gist pur le heire dun inheritor, lou le baron alien le inheritance sa femme, et le femme morust deuant que el ad recouer en vn Cui in vita: veies de ceo Fitz.N.B.194.C.

Surplusage.

Surplusage comes of the french Surplus, that is an ouerplus, and signifies in the law an addition of more then neede, which sometimes is the cause that a writ shall abate, but in pleading many times it is absolutely voyd, and the residue of the plea shall stand good.

Surplusage.

Surplusage venust del François surplus, id est, adiamentum, et signifie en le ley vn addition plus que besoigne que aucun foits est le cause que vn briefe abate, mes en pleader mults foits est absolument voyd, et le residue del plea estoyera bon.

Surreioinder.

Surreioinder is an answer to the defendants reioinder, or a second enforcing of the plaintiffs declaration.

Surreioinder.

Surreioinder est vn responsal reioinder del defendant, ou vn second enforcement del declaration le plaintiffe.

Sur-

The Exposition of

Surrender.

Surrender (*in fine redditio*) est le consent dun particulier tenant, que cestuy en le reversion ou le remainder, viendra maintenant al possession, & ceo est ou vn surrender en fait p vn actual redonar del estate, ou en ley per acceptance dun novel lease, ou tiel autre act. Veies de ceo Perkins cap. 9.

Surrender.

Surrender is the consent of a particular tenant, that he in the reversion or the remainder shall presently have the possession, and this is either a surrender in deed by an actual yielding up of the estate, or in law by the taking of a new lease, or such other act. See of this Perkins chap. 9.

Swainmote.

Swainmote, ou **Swannimote**, est vn Court tenuz trois foiz en vn an deins vn forest, per le statute de *Charta de foresta*, cap. 8. pur tous les franktenants del forest, car issint le Etymology del parol monstre: car *Mote* en le language Normanois signifie vn court, et *Swaine* en le Saxon langue est vn charterer ou franktenant, issint que **Swainmote** est le Court des franktenants. Veies de ceo en *Manwoods Forest lawes*, cap. 23. fo. 17. & 6. alarge.

Swainmote.

Swainmote, or **Swannimote**, is a Court held thre in a yeare within a forest, by the statute of *Charta de foresta*, cap. 8. for all the freeholders of the forest, for so the Etymology of the word shewes: for *Mote* in the Normans speech signifies a Court, and *Swain* in the Saxon tongue is a charterer, or a freeholder, so that **Swainmote** is the Court of the freeholder. See of this in *Manwoods Forest lawes*, cap. 23. fo. 17. & 6. at large.

T.

Fee Taile.

TO hold in the Taile, is where a man holdeth certaine lands or tenements to him and to his heyres of his body begotten.

And note well, that if the land be given to a man and to his heyres males, and he hath issue male, he hath fee simple, and that was adjudged in the Parliament of our Lord the King. But where lands be given to a man and to his heyres males of his body begotten, then he hath fee taile, and the issue female shall not be inheritable, as it appeareth in the 14. yeare of E. 3. in *Wille* 18. E. 3. 45.

Fee taile is where land is given to a man and his heyres of his body begotten, and he is called Tenant in the Taile generall.

But if lands be given to the husband and the wife, and the heyres of their two bodies begotten, then the husband and the wife be tenants in the taile especiall. And if one of them dye,

T.

Fee Taile.

Tener en le Taile, est lou home tient certaine terres ou tenements a luy & a ses heyres de son corps engendres.

Et nota bien, que si le terre soit done a vn home & a ses heires males, et il ad issue male, il ad fee simple, et ceo fuit adjudge en le Parliament nostre Seigniour le Roy. Mes lou terres ou tenements sont dones a vn home et a ses heires males de son corps engendres, il ad fee taile, et le issue female ne serra my inherite, vt patet *Anno* 14. *Edm.* 3. en vn *Affise* 18. E. 3. 45.

Fee taile est lou terre est done a vn home & a ses heyres de son corps engendres, et il est dit Tenant en le Tayle generall.

Mes si terre soit done al baron & feme, et al heyres de leur deux corps engendres, ore le baron et la feme sont tenants en le taile especial. Et si vn de eux deuy, cestuy que

The Exposition of

que suruiue est tenant en le taile apres possibility de issue extinct, et si il face waste il ne serra impeach de cel waste : vide *Little*.

he that suruiue is tenant in taile after possibility of issue extinct, and if he make waste, hee shall not be impeached for that waste : see *Little*.

Mes si le Roy done terres a vn home et a ses heires males, et le donee deu' sans issue male, donques le cosin collaterall del donee ne enheritera, mes le Roy reentra, et issint fuit adiudge en Leschequer chamber, 18.H.8. en vn information fait vers le heyre de Sir T. Louel Chiualler.

But if the King giue land to a man and to his heyres males, and the donee dyeth without issue male, then the cosen. collaterall of the donee shall not inherite, but the King shall reenter, and so it was adiudged in the Exchequer chamber, 18.H. 8. in an Information made against the heires of Sir T. Louel Knight.

Taile apres possibilitie.

Taile after possibility.

TENER en le Taile apres possibilitie & issue extinct, est lou terre est done a vn hōc & sa feme, et a les heires de lour deux corps engendres, & l'un de eux suruiue l'auter sans issue entre eux issuant, il tiendra sa terre a terme de sa vie demesne, come tenant en le Taile apres possibility de issue extinct. Et non obstant que il fait waste, il ne serra iammes impeache de cel waste. Et nota, que si il alien, celuy en le reuerfion ne auera Brief Dentre in consimili casu, mes il poit enter, et son entre est congeable, per R. Thorpe chiefe Iustice, 28.E. 3.96. & 45.E.3.25.

TO hold in the Taile after possibility of issue extinct, is where land is giuen to a man and to his wife, and to the heires of their two bodies engendred, and one of them ouerlineth the other without issue. betwene them begotten, he shall hold the land for terme of his owne life, as tenant in the taile after possibility of issue extinct : and notwithstanding that he do waste, hee shall neuer be impeache of that waste. And note that if he alien, he in the reuerfion shall not haue a writ of Entre in consimili casu, but he may enter, and his entry is lawfull, per R. Thorpe chiefe Iust. 28. E. 3 96. & 45.E.3.25.

(Tales.

Tales.

TAles is a supply of men impanelled vpon a Jury of Enquest, and not appearing, or at their appearance challenged for the Plaintife or Defendane as not indifferent, and in this case the Judge vpon petition granteth a supply to be made by the Sherife, of some men there present, equall in reputation to those that were impanelled: and hereupon the very act of supplying is called a Tales de circumstantibus: this supply may be of one or more, and of as many as shall either make default, or else be challenged by each party, Stanford. Plac. Cor. li. 3. ca. 5. *Whobet he that hath had one Tales either vpon default or challenge, though he may haue another, yet he may not haue the later to containe so many as the former, for the first Tales ought to be vnder the number of the principall panell, except in a cause of Appeale, and so euery Tales lesse then other, vntill the number be made by of men present in Court, and such as are without exception to the party or parties. See Stanford in the place before, where you may finde some exceptions to this generall rule: See Brook. fol. 105. and Coke li. 18. fo. 99. Benfages case.*

Tales.

TAles est vn supply & homes impanelle sur vn Jury ou Enquest, & nient apparaunt, ou a lour apparance challenge par le Plaintife ou Defendane come nient indifferente, & en cest case le Iudge sur petition granta vn supply destre fait par le Viscont, de ascuns homes la present, egal en reputation oue ceux que fueront impanel. Et sur ceo le verie act de suppliaunt est appelle *Tales de circumstantibus*: cest supply puit estre de vn ou pluis, et de cy plusors come ou seront default, ou seront challenge par ascun partie, *Stanf. Pl. Cor lib. 3. cap. 5.* Vncore cestuy que auoit ad vn Tales, ou sur default ou challenge, coment que il poit auer vn autre, vncore il ne poit auer le darrein de container cy plusors come le prim, car la prim Tales doit estre desous le nombre del principal panel, finon en vn cause de Appeale, et issint chescun tales meimes que auer, iefque le number soit repleit de homes present en court, et tiels que sont sans exception al partie ou parties. Veies *Stanf.* en le lieu deuant, ou vous pois trouera ascuns exceptions al cest general rule. Veies *Brook. fo. 105. & Co. lib. 10 fo. 99. Benfages case.*

00 Tales

Talwood.

T*alwood* est vn terme vic en lestatutes 34. & 35. H. 8. cap. 3. & 7. E. 6. cap. 7. & 43. Eliz. cap. 14. et signifie tel bois que est coupe en briefe billets, par le fizer des queux ceux statutes fueront ordeines.

Talwood.

T*alwood* is a terme used in the statutes of 34. & 35. H. 8. cap. 3. & 7. E. 6. cap. 7. & 43. Eliz. cap. 14. and it signifies such wood as is cut into short billets, for the fizing whereof those statutes were made.

Taxe & Tallage.

T*axe & Tallage* sont paymens, come dismes, quinzismes, subsidies, ou tiels semblables grant al Roy per Parliament.

Les tenants en ancient demesne sont quites d'ceux taxes et tallages graunts per Parliament, sinon que le Roy taxe ancient demesne, come il peut quant a luy pleist par grand cause. Veies *Ancient demesne*.

Taxe & Tallage.

T*axe and Tallage* are payments, as tithes, fifteens, subsidies, or such like granted to the King by Parliament.

The tenants in ancient demesne are quitte of these taxes and tallages granted by Parliament, except that the King doe take ancient demesne, as he may when he thinks good for some great cause. See *Ancient dem.*

Tenure in capite.

T*enure in capite* est lou ascuntient del Roy, come de son person esteant Roy, & de son Corone, come dun Seignior per luy mesme en grosse, et en chiefe, desuis tous autres

Tenure in capite.

T*enure in capite* is where any hold of the King as of his person being King, and of his Crowne, as of a Lordship by it selfe in grosse, and in chiefe above all other Lordships. And not

not to here they hold of him as of any manour, honour, or castle, except certaine ancient honours, which appears in the Eschequer.

Seigniories. Et nemy luy il s'entient de luy come de aucun manour, honour, ou castle, si non certaine ancient honours, vt patet in Scaccario.

Terme dans.

Terme dans.

To hold for terme of yeares is not but chattell in effect, for no action is maintainable against the termour for the recovering of the freehold, for no freehold is in him. A lease for terme of yeares is a chattell real, and all goods which are removable are chattels personals.

Tener a terme dans, nest forsque chattel en effect, car nul action est maintainable enuers termour qnt a recouurer le franktenement, car nul franktenement est a luy. Lease a terme dans est chattel real, et tous biens mouevables sont chattels personnels.

Testament.

Testament.

Testament is thus defined in Master Plowdens Commentaries: A Testament is a witness of the munde, and is compound of these two words, Testatio and mentis, which so significth, true it is, that a Testament is witness of the mind, but that it is a compound word, Aulus Gellius in his 6. book, cap. 12. both deny the same to an excellent Lawyer, one Servius Sulpicius, & saith, that it is a simple word, as are these, Calciamentum, Paludamentum, Pannamentum, and divers such like. And much lesse is Agreementum, a

Testament est issint delings ou expound en Monsieur Plowdens Commentaries: Testamentum est testatio mentis, et est compound de ceux deux parols, Testatio & mentis, que issint signifie, veray il est, que vn Testament est testatio mentis, mes que il est vn compounde parol, Aulus Gellius en son 6. liuer, cap. 12. denie ceo al vn excellent Lawyver, vn Servius Sulpicius, et dit, que il est vn simple parol, conte sont ceux, Calciamentum, Paludamentum, Pannamentum, et divers tiels semblables. Et mult meins est

The Exposition of

Agreementum, vn compound parol de *Agregatio & mentium*, come est dit é le title de *Agreement*, car il ny ad nul tiel Latine parol simple ou compound : mes il poit nient obsterue bié p vn ley Latine pol.

Et pur ceo il poit issint este melior define. *Testamentum* est vltimæ voluntatis iusta sententia, eo quod quis post mortem suam fieri vult, &c.

Et de Testaments il y ad deux sorts, s. vn Testament en escript, & vn Testament per parol, que est appelle vn Nuncupatiue Testament.

Le prim est tous foits en escript, come est dit.

Le auter est quant vn home esteant malade, & pur pauer que mort, ou fault de memorie, ou de parler, voyt venir cy soudainement ou hastiement sur luy, que il serra preuent, si il demurt le scripture de son Testament, request ses vicines ou amyes de porter tesmoigne de son darreigne volunt, & donques declare ceo presentment per parol deuant eux, que apres son decease est prooue per tesmoignes, et mis en escript per le Ordinary, et donques il est en cy bone force come si ceo ad al prim en le vie del Testat este mis en escript: Sinon

a compound word of *Agregatio* and *mentium*, as is said befoze in the title of *Agreement*, for there is no such Latine word, simple or compound: but it may neuerthelesse serue well for a lawe Latine word.

And therfore thus it may better be defined. A Testament is the true declaration of our last will, of that we would to be done after our death, &c.

And of Testaments there be two sorts, namely, a Testament in writing, and a Testament in words, which is called a Nuncupatiue Testament.

The first is alwayes in writing, as is said.

The other is, when a man being sicke, and for feare lest death, or want of memorie, or of speech, should come so suddenly and hastily vpon him, that he should be prevented if he stayed the writing of his Testament, desireth his neighbours and friends to beare witnesse of his last will, and then declareth the same presently by words befoze them, which after his decease is proued by witnesses, and put in writing by the Ordinary, and then standeth in as good force as if it had at the first in the life of the Testator bene put in writing: If it bee not for
Lands

**Lands not deuisable by Cu-
stome,**

que il soit pur terres nient de-
uisable per custome.

Thanus.

THanus is a word which some-
times significth a Noble
man, sometimes a freeman,
a Magistrate, an Officer or
Minister, Lambert in the word
Thanus. Master Skene saith,
that it is a name of dignity, and
appeareth to be equall with the
sonne of an Earle. And Thanus
was a freholder holding his
lands of the King: and a man
taken with the manner accused,
no sufficient proof being brought
against him, must purge him-
selfe by the oath of 27. men, or of
3. Thanes. The Kings thanage
signifieth a certayne part of the
Kings lands, or property, wher-
of the rule and government ap-
pertainerth unto him, who there-
fore is called Thanus, for the
Kings demains and the Kings
Thanage signifieth one and the
same thing.

Thannu.

THannu est vn parol que as-
cun foits implia vn Noble
home, ascun foits vn frank-
home, vn Magistrate, vn Offi-
cer ou Minister, Lambert verbo
Thannu. Monsieur Skene dit,
que est vn nosme de dignity,
& appiert destre equal oue le
fiz de vn Count. Et *Thannu*
fuit vn Franke-tenaunt tien-
dount ses terres del Roy, &
vn home prise oue le fing ac-
cuse de larcenie, nul bone tes-
moigne esteant port vers luy,
deuoit purger luy mesme per le
serement de 27. homes, ou de 3.
Thanes. *Thanagium Regis* implia
vn certain pt des terres le roy,
ou propertie de que le rule &
gouernment appertient a luy,
que pur ceo est appel *Thannu*,
car *Demanu Regis*, & *Thana-*
gia, signifiant vn et mesme le
chose.

Them.

Them, that is, that you shall
haue all the generations of
your Villaines, with their
suits and catrell, wheresoeuer
they shall be found in England,

Them.

Them, hoc est, quod habea-
tis totam generationem
Villanorum vestrorum cum
eorum sectis & catallis vbicun-
que in Anglia fuerint inuenta,

The Exposition of

excepto quod si aliquis natus quietus per unum annum & diem in aliqua Villa privilegiata manserit, ita quod in eorum communiam vel geldam, tanquam unus illorum repertus fuerit, eo ipso a villenagio liberatus est.

except that if any bondman shall remaine quite one yeare and a day in any privileged towne, so that he shall bee received into their communalty, or guild, as one of them, by that meanes he is deliuered from villenage.

Theftbote.

Theftbote est quant home prist ascun biens d'un laro. de luy fauourer & maintenir: Et nemy quant home prist ses biens demesme, q̄ furoient emblees de luy, &c.

Le punishment en auncient temps de Theftbote, fuit de vie & de member: Mes a ore Master Stamford dit, que il est punish per ransome & emprisonment. Sed quere, car ico pense ceo estre felonie.

Theftbote.

Theftbote is when a man taketh any goods of a theefe to fauour and maintaine him: And not when a man taketh his owne goods that were stolen from him, &c.

The punishment in ancient times of Theftbote, was of life and member. But now at this day Master Stamford saith, it is punished by ransome and by imprisonment. We enquire further, for I thinke it be felony.

Title.

Title est lou loyal cause est veigne- a un home de auer chose que auer ad, & il nad ascun action pur ceo, come title de Mortmain, ou de enter pur condition enfreit.

Title.

Title is where a lawfull cause is come vpon a man to haue a thing which another hath, and he hath no action for the same, as title of Mortmaine, or to enter for breach of condition.

Title de Entre.

Title de Entre.

Title de Entre is when one seised of land in fee maketh a feoffment thereof upon condition, and the condition is broken: Now after the condition thus broken, the feoffor hath title to enter into the land, and may so doe at his pleasure, and by his entry the freehold shall be said to be in him presently.

And it is called Title of Entre, because that he can not have a writ of Right against his feoffee upon condition, for his right was out of him by the feoffment which cannot be reduced without entry, and the entry must be for the breach of the condition.

Title de Entre est quant un seigneur de terre en fee fait feoffement de ceo sur condition, et le condition est enfreint: Ore apres le condition issint enfreint, feoffor ad title de entre le terre, et issint poit quant a luy pleist, & per son entree le franktenement sera dit en luy maintenant.

Et est appel Title de Entre, pur ceo que il ne poit auer briefe de droit enuers son feoffee sur condition, car son droit fuit hors de luy per le feoffement, le quel ne poit estre reduce sans entree, et le entree doit estre p^r le enfreinder d^e le condition.

Tol or Tolne.

Tol ou Tolne.

Tol or Tolne is most properly a payment used in Cities, Townes, Markets, and Faires, for goods and chattels brought thither to be bought and sold: And is always to be paid by the buyer, and not by the seller, except there be some custom otherwise.

Tolle ou Tolne est plus proprement un payment use en Cities, Villes, Markers, et Faires, pur biens et chateils port la destre achate ou vende. Et est tous dits destre pay per le achatour, et nemy per le vendeur, sinon que soit aucun custom al contraire.

There are divers other Tols.

Il y ad diuers autres Tols, Qo 4 com^{me}

The Exposition of

some Turne Tol, et ceo est
lou Tol est pay pur auers,
queux sont driuers desté ven-
dus, com̄ q̄ ils ne sont vendus.

Ictm Tol trauers, ceo est lou
vn claino d'auer vn ob. ou tiel
semble Tol de chescun beaft
que est driue sur son terre.

Through Tol, est lou vn
Ville prescribe de auer Tol p̄
chescun beaft que ale throug
leur Ville, vn certaine, ou per
chescun vint ou cent, vn cer-
taine: que ne appiert desté cy
vnreasonable prescription ou
custome, come ascuns ont sup-
pose, nient obstant il soit per
le hault chemin del Roy (si-
come ils ceo appel) lou ches-
cun poit loyalment passe, si y
ad quid pro quo: Come si la
soit vn pont, ou tiel semblable
commodity, puruey al costs et
charges del Ville, pur le ease de
trauailers q̄ chascun meisme voy,
per que leur iourney est ou a-
bridge ou fait le meliour, pur
que donques ne poit Tol este
demandé loyalment et ouc
bone reason de eux, &c.

Mes diuers Citizens et Bur-
geses sont quit de payer Tol,
per le graunt del Roy, ou ses
ancestors, ou claino ceo per
prescription ou custome. Issint
auxy espiritual persons et reli-
gious homes (come ils fueront
appelles) fueront quite de Tol

as Turne Toll, et that is where
Toll is payd for beaſts that are
driven to be sold, although that
they be not sold indeed.

Also Toll trauers, that is
where one claimeth to haue a
halfe peny. or such like Toll of
every beaſt that is driven ouer
his ground.

Through Toll, is where a
Towne prescribes to haue Toll
for every beaſt that goeth throug
their Towne, a certaine: or for
every score or hundred, a cer-
taine: which seemeth not to be
so unreasonable a prescription or
custome, as some haue thought,
although it be throug the h.
high way (as they call it) where
every man may lawfully goe, if
that there be one thing for ano-
ther: As if there be a bridge, or
such like commodity, provided
at the costs and charges of the
Towne for the ease of traualers
that drive that way, whereby
their iourneys either shortened
or bettered, why then may not
Toll be lawfully and with
good reason demanded of
them, &c.

But diuers Citizens and
Townsmen are free from pay-
ing Toll, by grant of the King
or his successors, or doe claime
the same by prescription or cus-
tome. So also spirituall per-
sons and religious men (as they
call them) were quit of paying
Toll

Toll for their goods and merchandizes bought and sold, &c. But now the statute of King H. 8. Anno 21. cap. 13. will that they shall not merchandize.

pur leur biens & marchandizes achate et vendus, &c. Mes a ore le statute del Roy H. 8. anno 21. cap. 13. voit que ils ne merchandisera.

Also if tenaunt in ancient demesne ought to be quit through out the whole Realme of paying Toll, as appeareth before in the title Sokemans. And in all these cases where toll is demanded where it ought not to be payd of them that should goe buy & sell toll-free, there the party or parties grieved may haue a writ De essendi quietum de tolono, directed to him or them that so demanded Toll contrary to the King or his progenitors grant, or contrary to Customs or prescription.

Item tenaunts en ancient demesne doivent estre quite per toute le Realme de payer tol, come appiert deuant en le title Sokemans. Et en tous ceux cas ou Tolle est demaunde ou il ne doit estre pay de eux que doient aler achate & vende quite de tol, la le party ou parties greeue poyent auer vn brief De essendi quietum de tolono, direct a luy ou ceux que issint demaund Tolle contra al grant le Roy ou ses progenitors, ou contra al Custome ou prescription.

Toll.

Toll.

Toll is a place wherein a house once stood, but it is now all fallen, or pulled downe.

Toll est vn lieu en que vn meuse fuit vn foits estant mes E ore tout eschue ou cracc.

Toll.

Toll.

Toll comes from the Latine tollō, and is a writ by which a cause depending in a Court baron may bee from thence removed into the County Court before the Sheriffe: see of this

Toll (Tolla) venust del Latine Tollo, et est vn brieve per q̄ vn cause dependant ē vn court baron poit estre illonques remoue en le County court deuant le Viscount: veies de cco

Fitz.

The Exposition of

Fitz. N. B. fo. 3. F. & vicus
N. B. fo. 2. a.

Fitz. N. B. fo. 3. F. & Old N. B.
fo. 2. a.

Tonnage.

Tonnage est vn custome ou impost pay al Roy pur merchandize import ou export en Tunnes, ou ascun tiels vessels, selonque vn certaine rate en chescun Tunne. Et de ceo poies lier en lestatutes de 12 E. 4. cap. 3. 6. H. 8. cap. 14. 1 E. 6. cap. 13. & 1. Jac. cap. 33.

Tonnage.

Tonnage is a custome or impost payd vnto the King for merchandize caried out or brought in in Tunnes, or such like vessels, according to a certain rate in every Tunne. And of this you may read in the Statutes of 12 E. 4. chap. 3. 6 H. 8. chap. 14. 1 E. 6. chap. 13. & 1. Jac. chap. 33.

Totted.

Totted est vn terme vse en lestatute de 42. E. 3. cap. 9. & signifie vn note destre fait en le rolle des estreates que issint hors del Eschequer al Viscount, des tous tiels debts come sont payes al Viscount, issint que ne poyent estre autersois demand del party, ne le Roy deceiue. Veies lestatute.

Totted.

Totted is a termes used in the statute of 42. E. 3. chap. 9. and signifies a note to be made in the Eschequer rolle that goes out of the Eschequer to the Sheriffe, of all such debts as are payd vnto the Sheriffe, so that they be not againe demanded of the party, nor the King deceiued. See the statute.

Transgressio.

Transgressio est vn briefe ou action de trespas, de queux la sont deux sorts, l'un vicontiel, issint appell pur ceo que ilet direct al Viscount, et nest

Trespasse.

Trespasse is a sort of action of trespasse, whereof there are two sorts, the one vicontiel, so called because it is directed to the Sheriffe, and is not returne

returnable, but to be determined in the County: The forme whereof differs from the other, because that it hath not the words, *Quare vi & armis*, &c. *F. N. B. fol. 85. g.* The other is directed to the Sherife also, but it is returnable in the Kings Bench, or Common Pleas, and it hath alwaies in it these words *Quare vi et armis*, or else it shall abate, as it appears in *Fitz. N. B. fo. 86. H.* If not that it bee a trespassse vpon the case, and then the words *Vi & armis* are left out, and in lieu thereof the words shall say in the end thereof, *Contra pacem*, &c. as appears in *Fitz. N. B. fo. 91. E.* And yet in some cases *Trespas* vpon the case shall bee *Vi & armis* also, though not in the point of the action, or the cause causata, yet in the conueyance to the action, or the cause causante, as it is well distinguished in the Count de Salops case, in Coke 9. Booke fol. 50. b.

returnable, mes destre determine en le Countie: Le forme de que differe del autre par ceo que nad ceux parols, *Quare vi & armis*, &c. *F. N. B. fol. 85. g.* L'autre est direct al Viscount auxy, mes est retournable en Bankele Roy, ou le common Banke, et aroit tous foirs en ceo ceux parols, *Quare vi & armis*, ou autrement il abatera, come appiert en *Fitz. N. B. fo. 86. H.* Sinon que soit vn trespassse sur le case, et adonques les parols *vi & armis* son waue hors, et en lieu d'eux le briefe dira en le fine de ceo, *Contra pacem*, &c. come appiert en *F. N. B. fo. 92. E.* Et vncore en aucuns cases *Trespas* sur le case serra *vi et armis* auxy, comment que nemy en le point del action, ou le cause causata, vncore en le conueyance al action, et le cause causante, come est bien distingué en le Count de Salops case, in Coke lib. 9. fol. 50. b.

Trauers.

TRauers sometimes signifieth to deny, sometimes to ouerthrow or vndo a thing done: for the first *W. p. 2. S. 54.* speaking of an answer to a Bill in the Chancery, saith, That it is that which the defendaunt pleadeth or saith in barre to auoid the

Travers.

TRauers, aucun foits implique a denier, aucun foits a subuerter ou defaire vn chose faire par le premier *West. p. 2. fol. 54.* parlante d'un respons a vn Bill en le Chancery, dir, Que il est ceo que le Defendant pleade ou dit en barre de auoyer le Bil

The Exposition of

Bil del Plaimife ou action, ou per confession & auoidance, ou per deniant et trauerfant des marerial points du ycel : Et arere Sect. 55. vn replication est le parlance del plaimifs ou respons al respons del Defendaunt, que doit de affirmer & pursuer son Bil, et conuistre, et auoyder, denyer, ou trauerfer le respons del defendaunt, & les formal pōls de cest trauers sont, Sans ceo, ou en Latine, *Absque hoc*: veies *Kitch fol. 227.*

En l'auter signification il est troue *Stamford prerogat. cap. 20.* per tout le chapitre, que parlant del trauerling d'un Office, dit, Que ceo est riens auer, forsque approuer que vn Inquisition fait de biens ou terres per le Escheatour est defectiue, et fausement fait. Issint trauerling d'un indictment est a prender issue sur le primer matter du ycel, que est riens auer adire que afaire contradiction, ou a denyer le point del endictment: Come en presentment vers A. pur vn hault chemin surrouind oue ewe pur default de escourance d'un fosse que il et ceux que estate il ad en certaine terres la, ont vse discovrer et cleuser, A. poit trauerfer oule matter, cest adire, Que la n'est aucun hault chemin la, ou que le fosse est sufficient escovire, ou autrement il poit trauerfer le cause,

Plaintiffes Bill or action, either by confession and avoyding, or by denying and trauersing of the materiall points thereof: And againe Sect. 56. a replication is the Plaintiffes speech or answer to the Defendants answer, which must affirme and pursue his Bill and confesse and auoid, deny, or trauers the Defendants answer, and the formal words of this Travers are, *Without that*, or in Latine *Absque hoc*: see *Kitch. fol. 227.*

In the other signification it is found *Stamford prerogat. cap. 20.* the whole chapter, who speaking of the trauersing of an Office, saith, That it is nothing else, but to proue that an Inquisition taken of goods or lands by the Escheatour is defective, and vnturly made. So trauersing of an Indictment is to take issue upon the chiefe matter thereof, which is nothing else to say, than to make contradiction, or to deny the point of the indictment: As in a presentment against B. for a high way ouerflowne with water for default of scowring of a ditch which he and they whose estate he hath in certaine land there, haue bled to scowre and cleuse, B. may trauers either the matter, that is to say, That there is not any high way there, or that the ditch is sufficiently scoured: or otherwise he may trauers the cause,

cause, That hee hath not the Land, &c. or that he and those whose estate, &c. have vsed to scoyme the ditch, Lambert Eirenarchia lib. 4. pag. 521. of Trauerse, see the whole Chapter Kitch. fol. 240. See also the old Booke of Entries, the word Trauers.

Que il nad le Terre, &c. ou que il & ceux que estate, &c. ont vsé de escowrer le fosse, Lambert Eirenarchia lib. 4. pag. 521. de Trauers, veies tout le Chapter en Kitch. fol. 240. Veies auxy le veiel Liuer de Entries, verbo Trauers.

Treason.

TReason is in two manners, that is to say, graund Treason, and petit Treason, as it is ordained by the Statutes. And therefore looke the Statutes, and Stamf. lib. 1. cap. 2.

Treason.

TRaison est en deux man-
ners, cestascavoir, hault
Treason, et petit Treason,
come est ordeine per les sta-
tures. Et ideo vide statuta, &
Stamf. lib. 1. cap. 2.

Treasure troue.

Treasure troue is when any money, gold, silver, plate, or bullion is found in any place, and no man knoweth to whom the property is, then the property thereof belongeth to the king, and that is called Treasure troue, that is to say, Treasure found. But if any Mine of Metal be found in any ground, that alway pertaineth to the Lord of the soile, except it be a Mine of gold or silver, which shall be alway to the king, in whose ground soever they be found,

Treasure troue.

Treasure troue est quant aucun money, ore, argent, plate, ou bullion est troue en aucun lieu, et nul conuist a que le property est, donques le property de ceo appertient al Roy, et ceo est dit Treasure troue, cest adire, Treasure troue. Mes si aucun Mineral de metal soit troue en aucun terre, ceo tous foits pertient al Seignior del soile, forsque que il soit Mineral de ore ou argent, queux feroient tous foits al Roy, en quecunq soile q ils sont troues.

Trial.

Trial.

Trial, la sont plusieurs mat-
ters de ceq, come des mat-
ters en fact, ils seront trie per
les Jurors, de matters en ley,
per les Iustices, de matters de
Record per Record mesme :
vn Seignior de Parliament sur
indictment de Treason ou Fe-
lonie, sera trie per ses Peeres
sans aucun serement, sur leur
honneur et allegiances, mes
en appeale a l'uit de aucun
subicet ils sera trie *per probos et
legales homines*. Si aucunent De-
mesme soit pleade de vn me-
mour, et denie, ceo sera trie
per le Record del Liure de
Domesday en Lenchegner. Vn
Apostata sera certifie per le
Abbot ou auter religious Go-
uernour a que il doit obedi-
ence : general, bassardie, et
commengement, loyaltie de
matrimoine, profession, et da-
vers autres maters Ecclesi-
astical, seront trie per le cer-
tificate del Bisques : Et vn
grand nombre des autres tri-
als la sont, de queux vaies *Coke*
lib. 9. Le case le Abbot del
Strat Marcella fol. 7.

Triall.

Triall, there are many mat-
ters thereof, as of matters
in fact, they shall be tryed by the
Jurors, of matters in Law, by
the Iustices, of matters of Re-
cord by the Record it selfe : a
Lord of Parliament upon an
indictment of Treason or Fe-
lony, shall be tried by his Peers
without any oath, but upon their
honours and allegiance, but in
appeale at the suit of any sub-
iect they shall be tryed *per pro-
bos et legales homines*. If any-
ent Demesne be pleaded of a
Mour, and denied, this shall
be tryed by the Record of the
Booke of Domesday in the Ex-
chequer. An Apostata shall be
certified by the Abbot or other
religious gouernour to whom
he owes obedience : general
bassardie, excommungement,
dissolution of mariage, profes-
sion, and diuers other matters
Ecclesiastical shall be tryed by
the Bishops certificate : and a
great number of other tryals
there are, whereof see *Coke lib.*
9. the case of the Abbot of Strat
Marcella, fol. 23.

Trouer.

Trouer.

TRouer is an action which a man hath against another that having found any of his goods refuseth to deliver them upon demand. As the old book of Entries, mozt, Trouer,

Trouer.

TRouer est vn action que home ad vers vn auter que ayant troué aucun de ses biens refuse a deliurer eux sur demaunde. Veies le veiel lier de Entries, parol, Trouer.

Tumbrel.

Tumbrel: see of that in the title of Cuckingstole, and see the Statute of 31. H. 3. Stat. 6. for the use of it.

Tumbrel.

Tumbrel: veies de ceo en le title de Cuckingstole, et veies le statute de 31. H. 3. Stat. 6. par le use de ceo.

Turbary.

Turbary comes from the old Latine word Turba, which was used for a turf, and Turbary is an interest of digging turfs upon a common. And you shall finde an Assise brought of such a common of turbary in 3. Ass. pl. 9. & 7. E. 3. fo. 43. b.

Turbary.

Turbary (Turbaria) venist del vieux Laine parol Turbe, que fuir vie par vn turf. Turbary est vn interest de foder turfs sur vn common. Et sequens vn assise port d'un tel common de turbary en 3. Ass. pl. 9. & 7. E. 3. fo. 43. b.

Sherifes Turne.

Sherifes Turne is a Court of Record in all things that pertaine to the Turne: and it is the

Turne del Viscont.

Turne del Viscont est vn court de Record en toutes choses que pertaine al Turne. Et est le

le Leete le Roy per tout le countie, et le Viscount est Iudge. Et quecunque ad vn Leete, ad mesme le authority deins le precinct, sicome le Viscount ad deins le Turne.

Et cest court est destre tenuz deux fois chescun an, vn fois apres Pasche, et arere puis Michaelmas, et ceo deins vn mois apres chescun feast, *anno 31. E. 3. cap. 15.* De cest Court sont exempt Jolement Archieuesques, Euesques, Abbots, Priours, Countes, Barons, religious homes, et seines, et tousz ceux queux ont Hundreds de loir demesne destre tenus. Cest Court est apperteinant et incident al office del Viscount, et ne doit estre seuer de ceo, & le Viscount est de constituer clerks south luy en cest Court, tiels pur que il voile a son peril responder: Mes il ne poit prescriber de prendre aucun chose pur le tener de son turne, pur ceo que il est vn Officer remouable. Veies *Coke lib. 4. 33. & lib. 6. 12.* & Monsieur Daltons liure de Viscounts, *tit. Sherifes Turne.*

Kings Leete through all the Countrey, and the Sherife is Iudge. And whosoever hath a Let, hath the same authority within the precinct, as the Sherife hath within the turne.

And this Court is to be kept thre in every yeare, once after Easter, and againe after Michaelmas, and that within one moneth after each feast, *Anno 31. Edw. 3. cap. 15.* From this Court are exempted only Archbishops, Bishops, Abbots, Priours, Carles, Barons, all religious men and women, and all such as haue hundreds of their shire to be kept. This Court is appertaining and incident to the office of the Sherife, and ought not to be seuered therefrom, and the Sherife is to appoint Clerkes under him in this Court, such as he will at his peril answer for: But he cannot prescribe to take any thing for the keeping of his Turne, because that he is an Officer remouable. See *Coke lib. 4. 33. & lib. 6. 12.* and Master Daltons booke of Sherifes, *tit. Sherifes Turne.*

V.

Value of mariage.

VAlore maritagii is a writ that lyes for the lord against his ward, to recover against him the value of his marriage at his full age, for that he was not married by his lord within age. And this writ lies although the lord neuer tendered unto the ward any convenient marriage. See Palmers case, Coke lib. 7. fo. 126. b.

V.

Valore maritagii.

VAlore maritagii est un briefe que gist pur le Sür vers son gard pur recouuer vers luy le value de son mariage a son plein age, pur ceo que ne fuit marry par son seigneur deins age. Et ceo briefe gist coment que le Seignieur ne vnques tender al gard aucun conuenable mariage. *Veit Palmers case. Coke l. 7. fo. 126. b.*

Venew or Visne.

Venew or Visne is a terme used in the Statute of 35. H. 8. chap. 6. and often in our books, and signifies a place next to that where any thing that comes to be tryed is supposed to be done. And therefore for the better discovery of the truth of the matter in fact upon every tryall, some of the Jury must be of the same Hundred, or sometimes of the same parish in which the thing is supposed to be done, who by intendment may haue the best knowledge of the

Venew.

Venew (*Vicinitum*) est un terme vse en lestatute de 35. H. 8. cap. 6. et frequerment en nostre liures, et signifie un lieu prochain a ceo ou aucun chose que venust estre trye est suppose estre fait. Et pur ceo pur le mieux decouery del verity del matter en fait sur chescun trial, aucun des Jurors seront del me le Hundred, ou aucun foits de si le parish en que le chose est suppose estre fait, qui par intendment poient auer le mieux conusance del chose.

Pp

The Exposition of

choſe. Veies *Arundels caſe, Coke lib. 6 fol. 14. a.*

matter. *See Coke 6. book fo. 14. 2. Arundels caſe.*

Verge.

Verge eſt le compaſſe environ le court le Roy q̄ limit le iuriſdiction del Seignior ſenſchal del hoſtel le Roy, et del Coroner del hoſtel le Roy, iſſint que il ne poit entremedde deins le coun-ty hors del Verge, par ceo que ſon office ne extende a ceo come le Coroner del Counry, ne entremedde deins le verge, car ceo ſuit exempt hors de ſon office per le common Ley, & ſemble. encounter reaſon que lour Offices et Iuriſdictions eſteant ſeveral, que lun entremeddera deins le Iuriſdiction del autre; Et cel Verge ſemble deſtre douze milliaires. Veies *23. Rich. 2. ſtatut. 1. cap. 3. Fitzherberts Natura Br. fol. 245. Britton fo. 86. Fleta lib. 2. cap. 2. Coke lib. 4. fol. 46. 33. M. 8. cap. 12.*

Verge ad auxy vn aſter ſignification, et eſt vſe pur vn ſtick ou rod per que vn eſt admis tenant, et tiendront ceo en ſon maine fait ſerement de fealty al Seignior del Mannor, & par ceo eſt appel tenant per la Verge. Veies veiel *N. B. fol. 17. & Litt. lib. 1. cap. 10.*

Verge.

Verge is the compaſſe about the kings court that boundeth the Jurisdiction of the Lord Highward of the kings houſhold, and of the Coroner of the kings houſe, ſo that he cannot intermeddle within the County ſouth of the Verge. here ſaith that heſ office extendeth not therunto, as the Coroner of the County cannot intermeddle within the Verge, for it is exempted ſouth of his office by the common law, and is ſomewhat againſt reaſon that their offices and iuriſdictions being ſeverall, that the one ſhould intermeddle within the iuriſdiction of the other; And this verge ſeemeth to be twelve miles. *See 13. R. 2. ſtatut. 1. cap. 3. Fitz. N. B. fol. 245. Britton fol. 86. Fleta lib. 2. cap. 2. Coke lib. 4. fol. 46. 33. H. 8. cap. 12.*

Verge hath alſo another ſignification, and is uſed for a ſtick or rod by which one is admitted tenant, and holding it in his hand taketh the oath of fealty to the Lord of the Mannor, and for that cauſe is called tenant by the Verge. *See old N. B. fol. 17. & Litt. lib. 1. cap. 10.*

Verderor.

Verderor.

Verderor.

Verderor is an officer in the forests of the King, chosen by the freeholders of the County where the forest is, by a writ of the King, directed to the Sherife to doe it, as it appeareth by the bookes of the Register, & of the nature of writs, and are called in Latine Viridarii, as it seemeth of the word Viride, which is in English Greene, in French Verd, for a great part of their office is touching the Verd, to wit. the wood and grasse growing in the forest, for which see more in the Charter and Lawes of the forest.

Verderor est vn officier en les forrests del roy, esliu per les franktenants del countie ou le Forrest est, per briefe del Roy, direct al Viscount de ceo faire, come appiert per les liuers del Register, et del nature des briefes, et sont appellees en Latin *Viridarii*, come semble de le parol *Viride*, que est en Anglois Greene, en François *Verd*, car vn grand part de leur office est touchant le *Verd*, cest ascauoir, le bois et herbes creslant en le Forrest, pur quel veies pluis en le Charter & Leyes del Forrest.

Verde or Vert.

Vert.

Vert comes of the french word Verd, and signifies with us in the forest lawes every thing that both grow and beares a greene lease within the forest: And it is diuided into ouer vert and nether vert: ouer vert is the great woods, and nether vert is the under woods. There is also in forests a vert called speciall vert, and that is all trees that grow in the kings owne woods within the forest.

Vert venult de parol françois *Verd* (*Viride*) et signifie ouesque nous en les leyes del Forest chescun chose que cresce et poit vn fucille verde deins le Forest: et est diuidee en ouer vert et nether vert: ouer vert est le hault bois, et nether vert est le sauth bois. Il est aux en Forests vn vert appel special vert, et ceo est tous arbres creslants en les demesne bois le Roy deins le Forest.

P p 2

The Exposition of

Forest, et tous arbres queux
crescent icy en les bois des au-
ters, ils sont tiels arbres queux
portont fruiçts pur le foder des
dames, et ceux sont diés spé-
cialvert, pur ceo q̄ le destroy-
er de tiel vert est plus grandment
puny que le destruction d'auter
vert est. Veies *Manwoods Forest
Leyes, cap. 6. fo. 52. a.*

and all trees that grow there in
other mens woods, if they be
such trees as beare fruit to feed
the Deere, which are called spe-
ciall Vert, because the destroy-
ing of such vert is more grievously
punished then the destruction of
other vert is. See *Manwoods
Forrest Lawes, chapter 6. fol.
52. a.*

View de frank pledge.

View de frank pledge (*Visus
franci plegii*) est le payer
de tener vn Tourne ou Leet,
en queux courts chescun frank-
home en auncient temps de-
ueigne lye oue suerties al age
de 14. ans pur son fidelity al
Roy et ses subiects. Et sur ceo
ceux courts fueront appels le
view de frank pledge, cest asca-
voir, des tiels frankhomes
queux deueignent icy pledges
ou suerties lun pur l'autre. Veies
Deciners.

View of frank pledge.

View of frank pledge is the
power to hold a Tourne
or Leet, in which Courts every
free man in ancient time became
bound with sureties at the age
of fourteen years for his trust
to the King and his subjects.
And thereupon those Courts
were called the view of the
free pledges, that is to say, of
such free-men as were pled-
ges or sureties one for another.
See *Deciners.*

View.

View est quant aucun a-
ction real est port, & le
tenant ne scauoit bien quel
terre il est que le demandant
demand, donques le tenant
prierale view, s. quel il poyt
veier le terre que il clayma.

View.

View is when an action re-
all is brought, & the tenant
knoweth not well what land it
is that the demandant asketh,
then the tenant shall pray the
view, that is to say, that he may
see the land which he claimeth.
But

But if the tenant hath had the view in one writ, and after the writ is abated in misnaming of the towne, or by ioyntenure, and after the demandant bringeth another writ against the tenant, then the tenant shall not haue the view in the second writ.

Vi Laica remouenda.

VI Laica remouenda is a writ, and it lyeth where debate is betwene two Parsons or prouisoꝝ for a Church, and one of them entred into the Church with great power of Lay men, and holdeth the other out with force and armes, then he that is holden out shall haue this writ directed to the Sheriffe, that he remoue the power which is within the Church, and the Sheriffe shall be commanded, that if he finde any men there withstanding, that the Sheriffe shall take with him the power of his county, if need be, and shall arrest the bodies of al them him resisting, and shall put them in prison, so that he haue their bodies befoze the King at a certaine day, to answer to the contempt. And this writ is returnable, and it shall not be granted befoze that the Bishop of the place where such a Church is, hath certified in the Chancery such resisting and force.

Mes si le tenant ad eu le view en vn brieve, et puis le brieve est abatus per misnommer de le ville, ou per ioyntenure, et puis le demandant port vn tiel brief vers le tenant, donques le tenant nauera le view en le second brieve.

Vi Laica remouenda.

VI Laica remouenda est vn brieve, et gist lou debate est percenter deux Parsons ou Prouisoꝝ dun Esglise, et lun enter en le Esglise oue grand power de Lay homes, et tient lauter dehors oue force et arms, donques celui que est tenuz dehors auera le dit brieve direct al Viscount, que il remouua cest power que est deins Lesglise, et serra command al Viscount, que si true aucun homes luy resistant, que le Viscount prendra ouesque luy la poyar de son County, si besoigne soit, et serra attache per leur corps tous ceux luy resistants, & les mettera en prison, issint que il eyt leur corps deuant le Roya certaine iour, & responder del contempt. Et cest brieve est retournable, & ne serra graunt deuant que le Euesque del lieu lou tiel Esglise est, eyt certifie en le Chancerie tiel resistance et force.

The Exposition of

Villeinage.

TEnir en pure *Villeinage*, est
a faire tout ceo que le Sür
luy voit commander.

Le deuision de *Villeinage*,
est villeine de sanke, & de re-
nure. Et il est villein de que
son Sür prent redemption de
sa file marier, et soy mesme on-
franchise, et le Seignior puit
luy ouste de ses terres ou ten-
ements a sa volunté, et auxy de
tous ses biens et chateux.

Et nota bien, que Sockman
n'est pas pure villeine, ne vil-
leine doit pas garde, mariage,
ne reliefs, ne faire autres ser-
uices reals.

Et nota bien, que tenure en
villeinage ne ferra nul franke
homme villeine, si ne soit con-
tinué ouster le temps de me-
mory, ne villeine terre ne fer-
ra franke homme villeine, ne
franke terre ne ferra villeine
franke, sinon que le tenant a-
noit continué frankement ou-
ster le temps de memory.

Mes vn villeine ferra franke
terre villeine, par seisin, ou par
clame de son Seignior.

Et nota bien, que si villeine

Villeinage.

To hold in pure *Villeinage*,
is to doe all that that the
Lord will him command.

The diuision of *Villeinage*, is
billeine of blood, and of tenure.
And he is a billein of whom the
Lord taketh redemption to ma-
rie his daughter, and to make
him free, and it is he whom the
Lord may put out of his lands
or tenements at his wil, and also
of all his goods and cartell.

And note well, that a *Spoke-*
man is no pure billeine, nor a
billeine owerth not ward, mar-
iage, nor reliefs, nor to doe any
other seruices reals.

And note well, that the te-
nure in *Villeinage* shall make
no freeman billeine, if it be not
continued euer such time out of
minde: nor billeine land shall
make no free man billeine, nor
free land shall make no billeine
free, except that the tenant haue
continued free beyond the time of
memory.

But a *Villeine* shall make
free land billeine, by seisin, or by
clame of the Lord,

And note well, that if a billein
pur-

purchase certaine land, and take a wife and alien, and dyeth before the claime or seisin of the Lord, the wife shall be endowed.

And note well, that in case that the Lord bring a *Præcipe quod reddat* against the alienee of his villeine, which voucheth to warrant the issue of the villeine which is villeine to the Lord, he shall have the voucher. And by protestation the Lord may (notwithstanding that hee plead with his villeine) saue that his villeine shall not be enfranchised.

And note well, that a bastard shall not be iudged villeine, but by knowledge in Court of Record.

And note well, that if debt be due by a Lord to a freeman, and he maketh two men his executors, the which be villeines to the said Lord, and dyeth, the villeines shall have an action of debt against their Lord. And notwithstanding that he plead with them, and if he make protestation, they shall not be thereby enfranchised, for that they be to recover the debt assigned to the use of another person, that is to say, to the use of their testator, and not to their own use.

And if the tenant in homage

purchase certaine terre, et prent femme & alien, et deuy deuant le claime ou seisin de son S^r, la femme sera endowee.

Et nota bien, que en case que le Seignior port *Præcipe quod reddat* enuers le alienee son villeine, le quel vouch a garantir le issue de le villeine que est villeine al Seignior, il auea le voucher. Et per protestation le Seignior port (non obstant que il plede oue son villeine) saue que son villeine ne sera my enfranchise.

Et nota bien, que bastard ne sera iudges villeine, sinon per conuissans en Court de Record.

Et nota bien, que si de son duec per un Seignior a un franke home, et il face deux homes ses executors, les queux sont villeines al dit Seignior, & deuy, les villeines aueront action de det entiers leur Seignior. Et nient obstant que il plede ouesque eux, et il face protestation, ils ne seront purtant enfranchise, pur ceo que ils sont de recouer le det assigne al use de un autre person, certainement, al use leur testateur, & nient a leur use mesme.

Et si le tenant en homage

The Exposition of

h^{er} vn villeine, le quel purchase certaine terre en fee, et puis le retenant en dower entier, el auera le terre a luy et a ses heires a tous iours. Et mesme le ley est de tenant a terme de ans de vn villeine.

Et nota bien, que le Seignior poit rob, naufer, et enuaser son villeine a son volunt: Mais que il ne poit luy maim, car donques il auera appel de maihem enuers luy.

Et nota bien, que vn villein poit auer trois actions enuers son Seignior, cest a sauoir, vn appeale de mort son ancesfor, vn appeale de rape fait a sa fem, et vn appeale de maim.

Et nota bien, si deux parcerers port brieve de Nisfery, & l'un de eux soit nonsuit, le nonsuit de luy sera adiudge le nonsuit de ambideux, issint que si le nonsuit soit apres appearance, ils serrount barre de cest action a tous iours, car la ley est uel in fauorem libertatis.

Et nota bien, si deux ount vn villein en common, & l'un de eux fait a luy manumission, il ne sera my enfranchise enuers ambideux.

Et nota bien, que en brieve de *Natus habendo*, il couient si

haue a billeine which purchaseth certain land in fee, and after the tenant in dower entereth, she shall haue the land to her and to her heyres for euermore. And the same Law is of Tenant for tyme of yeares of a billeine.

And note well, that the Lord may robbe, beat, and chastise his billeine at his will; save onely that he may not maim him, for then he shall haue an appeale of maim against him.

And note well, that a billeine may haue three actions against his Lord, that is to say, an Appeale of the death of his ancesfor, an Appeale of rape done to his wife, & an Appeale of maim.

And note well, if two parcerers bring a writ of Nisfe, and one of them be nonsuit, the nonsuit of him shall bee iudged the nonsuit of them both, so that if that nonsuit bee after appearance, they shall be barred from that action for euer, for the law is such in fauour of Libertie.

And note well, if two haue a billeine in common, and one of them make to him a manumission, he shall not be made free against both.

And note well, that in a writte de *Natus habendo*, it behoueth that

that the Lord shew how the defendant cometh to be priue of the blood of the villein of whom he is Lord, &c. And if hee nor none of his ancestors were not seised of none of his blood, hee shall not win by his action, if the villeine haue not knowledged in court of Record himselfe to be his Villeine.

And note well, that in a writ of Niefery may not be put more Niefes than two onely, and this was first brought in the hatred of bondage. But in a writ de Libertate probanda may be put as many Niefes as the plaintiffe will.

And note well, that if the villeine of a Lord be sed in ancient demesne of the King, or other towne priuiledged within a year and a day the Lord may seise him, and if he dwell in the same towne or other place franchised by a yeare and a day, without seisin of the Lord, hee hath no power to seise him after, if hee goe not out of the foresaid franchise.

And some be villeines by title of prescription, that is to say, that all their blood haue bene villeines regardant to the manor of the Lord from time out of minde.

And some be made villeines by their confession in a Court

le Seignieur mostre coment le defendant aucigne priue de sanke a celuy villeine de que il est Seignior, &c. Et si il ne nul de ses ancestors ne soit seise de nul de son sanke, il ne gainera per son Action, si le villeine nad pas conus en court de Record luy estre son Villeine.

Et nota bien, que en vn brieve de Niefery ne purront estre mis plusors Niefes que deux tantselement, et hoc introductum fuit prius in odium seruitutis. Mes en brieve de Libertate probanda, purrount estre mis tants niefes come le plaintiffe vouldra.

Et nota bien, que si le Villeine de Seignieur soit fue en auancier demesne del Roy, ou autre Ville priuiledge, deins lan et iour, le Seignieur poit luy seiser, et sil demurt en la dite ville ou lieu franchise per vn an & iour, sans le seisine de son Seignieur, il nad my power de luy seiser apres, si il ne va de hors le suisdit franchise.

Et aucuns sont villeines per title de prescription, cestascavoir, que tout leur sanke ont este villeines regardants a le manor dun Sür de temps dont memory ne curt.

Et aucuns sont fait villeines p leur confession en vn Court

le Leete le Roy per tout le countie, et le Viscount est Iudge. Et quecunque ad vn Leete, ad mesme le authority deins le precinct, sicome le Viscount ad deins le Turne.

Et cest court est destre tenuz deux fois chescun an, vn fois apres Pasche, et arete puis Michaelmas, et ceo deins vn mois apres chescun feast, *anno 31. E. 3. cap. 15.* De cest Court sont exemptz sollement Archieuesques, Euesques, Abbots, Priours, Countes, Barons, religieux homes, et femmes, et tousz ceuz queux ont Hundreds de tour demesne destre tenus. Cest Court est apperteinant et incident al office del Viscount, et ne doit estre seuer de ceo, & le Viscount est de constituer clerks south luy en cest Court, tiels pur que il voile a son peril responder: Mes il ne poit prescriber de prendre aucun chose pur le tener de son turne, pur ceo que il est vn Officer remouable. Veies *Coke lib. 4. 33. & lib. 6. 12.* & Monsieur Daltons liure de Viscounts, viz. *Sherifs Turne.*

Kings Leete through all the Countie, and the Sherife is Iudge. And whosoever hath a Let. hath the same authority within the precinct, as the Sherife hath within the turne.

And this Court is to be kept twice in every yeare, once after Easter, and againe after Michaelmas, and that within one moneth after each feast, *Anno 31. Edw. 3. cap. 15.* From this Court are exempted only Archbishops, Bishops, Abbots, Priours, Carles, Barons, all religious men and women, and all such as haue hundredes of their shewe to be kept. This Court is appertaining and incident to the office of the Sherife, and ought not to be seuered therefrom, and the Sherife is to appoint Clerkes under him in this Court, such as he will at his perill answer for: But he cannot prescribe to take any thing for the keeping of his Turne, because that he is an Officer remouable. See *Coke lib. 4. 33. & lib. 6. 12* and Master Daltons booke of Sherifes, viz. *Sherifes Turne.*

V.

Value of mariage.

Valore maritaggi is a writ that lies for the Heir against his ward, to recover against him the value of his marriage at his full age, for that he was not married by his lord within age. And this writ lies although the lord neuer tendered unto the ward any convenient marriage. See Palmers case, Coke lib. 7. fo. 126. b.

V.

Valore maritaggi.

Valore maritaggi est un briefe que gist pur le Sür vers son gard pur recouuer vers luy le value de son mariage a son plein age, pur ceo que ne fait marry par son seigneur deins age. Et ceo briefe gist coment que le Seignieur ne vnques tender al gard aucun conuenable mariage. *Veit Palmers case. Coke lib. 7. fo. 126. b.*

Venew or Visne.

Venew or Visne is a terme used in the Statute of 35. H. 8. chap. 6. and often in our books, and signifies a place next to that where any thing that comes to be tryed is supposed to be done. And therefore for the better discovery of the truth of the matter in fact upon euery tryall, some of the Jury must be of the same Hundred, or sometimes of the same parish in which the thing is supposed to be done, who by intendment may haue the best knowledge of the

Venew.

Venew (*Vicinetum*) est un terme vse en lestatute de 35. H. 8. cap. 6. et frequemment en nostre liures, et signifie un lieu prochain a ceo ou aucun chose que venust estre tryé est suppose estre fait. Et pur ceo pur le mieus decouery del verity del matter en fait sur chescun trial, aucun des Jurors seront del m le Hundred, ou aucun foits de m le parish en que le chose est suppose estre fait, qui par intendment poient auer le mieus conuans del chose.

Pp

chose. Veies *Arundels case*, *Coke lib. 6. fo. 14. a.*

matter. See *Coke 6. book fo. 14. a. Arundels case.*

Verge.

Verge est le compasse environ le court le Roy q̄ limit le iurisdiction del Seignior Scenschal del hostel le Roy, et del Coroner del hostel le Roy, insi que il ne soit entremedle deins le country hors del Verge, par ceo que son office ne extende a ceo come le Coroner del Country, ne entremedle deins le verge, car ceo suit exempt hors de son office per le common Ley, & semble encounter raison que leur Offices et iuridictions esteant seueral, que lun entremedlera deins la iurisdiction del autre; Et cel Verge semble estre douze milliares. Veies 23. *Rich. 2. statut. 1. cap. 3. Fitzherbert Natura Bx. fol. 241. Britton fo. 86. Fleta lib. 2. cap. 2. Coke lib. 4. fol. 46. 33. H. 8. cap. 12.*

Verge ad auxy vn autre signification, et est vse pur vn stick ou rod per que vn est admis tenant, et tiendront ceo en son maine fait serement de fealty al Seignior del Mannor, & par ceo est appel tenant per la Verge. Veies veiel *N. B. fol. 17. & Litol. lib. 1. cap. 10.*

Verge.

Verge is the compasse about the kings court that boundeth the Jurisdiction of the Lord Steward of the kings household, and of the Coroner of the kings house, so that he cannot intermeddle within the County south of the Verge, because that his office extendeth not thereunto, as the Coroner of the County cannot intermeddle within the Verge, for he is exempted south of his office by the common law, and it seemeth against reason that their offices and iuridictions being seuerall, that the one should intermeddle within the iurisdiction of the other; And this verge seemeth to be twelve miles. See 13. *R. 2. statut. 1. cap. 3. Fitz. N. B. fol. 241. Britton fol. 68. Fleta lib. 2. cap. 2. Coke lib. 4. fol. 46. 33. H. 8. cap. 12.*

Verge hath also another signification, and is used for a stick or rod by which one is admitted tenant, and holding it in his hand taketh the oath of fealty to the Lord of the Mannor, and for that cause is called tenant by the Verge. See old *N. B. fol. 17. & Litol. lib. 1. cap. 10.*

Verderor.

Verderor.

Verderor is an officer in the forests of the King, chosen by the freeholders of the County where the forest is, by a writ of the King, directed to the Sherife to doe it, as it appeareth by the bookes of the Register, & of the nature of writs, and are called in Latine Viridarii, as it seemeth of the word Viride, which is in English *Verde*, in French *Vert*, for a great part of their office is touching the *Verd*, to wit. the wood and grasse growing in the forest, for which see more in the Charter and Lawes of the forest.

Verde or Vert.

Vert comes of the French word *Verd*, and signifies with vs in the forest lawes every thing that both grow and beares a greene lease within the forest: And it is diuided into ouer vert and nether vert: ouer vert is the great woods, and nether vert is the under woods. There is also in forests a vert called speciall vert, and that is all trees that grow in the kings owne woods within the forest,

Verderor.

Verderor est vn officier en les forrests del roy, esliu per les franktenants del countie ou le Forrest est, per briefe del Roy, direct al Viscount de ceo faire, come appiert per les liuers del Register, et del nature des briefes, et sont appellees en Latin *Viridarii*, come sensible de le parol *Viride*, que est en Anglois *Greene*, en François *Vert*, car vn grand part de leur office est touchant le *Verd*, cest a sauoir, le bois et herbes creslant en le Forrest, pur quel veies pluis en le Charter & Leyes del Forrest.

Vert.

Vert venutt de parol françois *Verd* (*Viride*) et signifie ouesque nous en les leyes del Forest chescun chose que cresce et poit vn fucille verde deins le Forest: et est diuidee en ouer vert et nether vert: ouer vert est le hault bois, et nether vert est le sauth bois. La est auxy en Forests vn vert appel special vert; et ceo est tous arbres creslants en les demesne Bois le Roy deins le

P p 2 Forest

The Exposition of

Forest, et tous arbres queux
crescent icy en les bois des au-
ters, ils sont tiels arbres queux
portont fructs par le foder des
dames, et ceux sont diés. spé-
cialvert, par ceo q̄ le destroy-
er de tiel vert est plus grandment
puny que le destruction d'auter
vert est. Veies *Manwoods Foreſt
Leyes, cap. 6. fo. 52. a.*

and all trees that grow there in
other mens woods, if they bee
such trees as beare fruit to feed
the Deere, which are called spe-
ciall Vert, because the destroying
of such vert is more grievously
punished then the destruction of
other vert is, See *Manwoods
Forrest Lawes, chapter 6. fol.
52. a.*

View de frank pledge.

View de frank pledge (*Visus
franci plegii*) est le payer
de tener vn Tourne ou Lect,
en queux courts chescun frank-
home en auncient temps de-
uaigne lye ou suerties al age
de 14. ans par son fidelite al
Roy et les subiects. Et sur ceo
ceux courts fueront appels le
view de frank pledge, cest asca-
uoir, des tiels frankhomes
queux deuaignont icy pledges
ou suerties lun par l'auter. Veies
Deciners.

View of frank pledge.

View of frank pledge is the
power to hold a Tourne
or Lect, in which Courts every
free man in auncient time became
bound with sureties at the age
of fourteen yeares for his trust
to the King and his subiects.
And thereupon those Courts
were called the view of the
free pledges, that is to say, of
such free-men as were pled-
ges or sureties one for another.
See *Deciners.*

View.

View est quant aucun ac-
tion real est port, & le
tenant ne scauoit bien quel
terre il est que le demandant
demand, donques le tenant
prierà le view, s. quel il poyt
veier le terre que il clayma.

View.

View is when an action re-
all is brought, & the tenant
knoweth not well what land it
is that the demandant asketh,
then the tenant shall pray the
view, that is to say, that he may
see the land which he claimeth.
But

But if the tenant hath had the view in one writ, and after the writ is abated in misnaming of the towne, or by ioyntenure, and after the demandant bringeth another writ against the tenant, then the tenant shall not haue the view in the second writ.

Mes si le tenant ad eu le view en vn brieve, et puis le brieve est abatus per misnomsmer de le ville, ou per ioyntenure, et puis le demandant port vn tiel brief vers le tenant, donques le tenant n'aura le view en le second brieve.

Vi Laica remouenda.

Vi Laica remouenda.

VI Laica remouenda is a writ, and it lyeth where debate is betwene two Parsons or prouisois for a Church, and one of them entereth into the Church with great power of Lay men, and holdeth the other out with force and armes, then he that is holden out shall haue this writ directed to the Sherife, that he remoue the power which is within the Church, and the Sherife shall be commanded, that if he finde any men there withstanding, that the Sherife shall take with him the power of his county, if need be, and shall arrest the bodies of al them him resisting, and shall put them in prison, so that he haue their bodies befoze the King at a certaine day, to answer to the contempt. And this writ is returnable, and it shall not be granted befoze that the Bishop of the place where such a Church is, hath certified in the Chancery such resisting and force.

VI Laica remouenda est vn brieve, et gist lou debate est percenter deux Parsons ou Prouisois dun Esglise, et lun enter en le Esglise oue grand power de Lay homes, et tient l'auter dehors oue force et arms, donques celui que est tenu dehors auera le dit brieve direct al Viscount, que il remouea cest power que est deins L'esglise, et serra command al Viscount, que si treue ascun homes luy resistant, que le Viscount prendra ouesque luy la poyar de son County, si besoigne soit, et serra attache per lour corps tous ceux luy resistants, & les mettera en prison, issint que il eyt lour corps deuant le Roya certaine iour, & responder del contempt. Et cest brieve est retournable, & ne serra graunt deuant que le Enesque del lieu lou tiel Esglise est, eyt certifie en le Chancerie tiel resistance et force.

The Exposition of

Villeinage.

Tener en pure *Villeinage*, est a fuir tout ceo que le S^r luy voit commander.

Le deuision de *Villeinage*, est villeine de sanke, & de re-nure. Et il est villein de que son S^r prent redemption de sa fille marier, et soy mesme enfranchise, et le Seignour puit luy ouste de ses terres ou tenements a sa volunté, et auxy de tous ses biens et chatreux.

Et nota bien, que Sockman n'est pas pure villeine, ne villeine doit pas garde, mariage, ne reliefe, ne faire autres ser-uices reals.

Et nota bien, que tenure en villeinage ne ferra nul franke home villeine, si ne soit continue ouster le temps de memory, ne villeine terre ne ferra franke home villeine, ne franke terre ne ferra villeine franke, sinon que le tenant a-noit continue franquement ou-ster le temps de memory.

Mes vn villeine ferra franke terre villeine, par seisin, ou par clame de son Seignour.

Et nota bien, que si villeine

Villeinage.

To hold in pure *Villeinage*, is to doe all that that the Lord will him command.

The diuision of *Villeinage*, is billicine of blood, and of tenure. And he is a billicin of whom the Lord taketh redemption to make his daughter, and to make him free, and it is he whom the Lord may put out of his lands or tenements at his will, and also of all his goods and cattell.

And note well, that a *Sockman* is no pure billicine, nor a billicine owerd not ward, marriage, nor reliefe, nor to doe any other seruices reals.

And note well, that the tenure in *Villeinage* shall make no freeman billicine, if it be not continued ever such time out of mind: nor billicine land shall make no free man billicine, nor free land shall make no billicine free, except that the tenant haue continued free beyond the time of memory.

But a *villeine* shall make free land billicine, by seisin, or by clame of the Lord,

And note well, that if a billicin pure

purchase certaine land, and take a wife and alien, and dyeth before the claime or tithen of the Lord, the wife shall be endowed.

purchase certaine terre, et prene femme & alien, et deuy deuant le claime ou seisin de son S^r, la femme sera endowee.

And note well, that in case that the Lord bring a *Præcipe quod reddat* against the alienee of his villeine, which boucheth to warrant the issue of the villeine which is villeine to the Lord, he shall have the voucher. And by protestation the Lord may (notwithstanding that he plead with his villeine) saue that his villeine shall not be enfranchised.

Et nota bien, que en case que le Seignior port *Præcipe quod reddat* enuers le alienee son villeine, le quel vouch a garantir le issue de le villeine que est villeine al Seignior, il aura le voucher. Et per protestation le Seignior port (non obstant que il plede oue son villeine) saue que son villeine ne sera my enfranchise.

And note well, that a bastard shall never be judged villeine, but by knowledge in Court of Record.

Et nota bien, que bastard ne sera iammes adudge villeine, sinon per conusance en Court de Record.

And note well, that if debt be due by a Lord to a freeman, and he maketh two men his executors, the which be villeines to the said Lord, and dyeth, the villeines shall have an action of debt against their Lord. And notwithstanding that he plead with them, and if he make protestation, they shall not be thereby enfranchised, so that they be to recover the debt assigned to the use of another person, that is to say, to the use of their executor, and not to their own use.

Et nota bien, que si det soit due par un Seignior a un franke homme, et il face deux homes ses executors, les queux sont villeines al dit Seignior, & deuy, les villeines auront action de det enuers leur Seignior. Et nient obstant que il plede ouesque eux, et il face protestation, ils ne seront par tant enfranchise, pur ceo que ils sont de recouer le det assigne al use de un autre person, c'est a dire, al use leur executor, & nient a leur use mesme.

And if the tenant in dower

Et si le tenant en dower

The Expolition of

byt vn villeine, le quel purchase certaine terre en fee, et puis le tenant en dower enter, el auera le terre a luy et a ses heires a tous iours. Et mesme le ley est de tenant a terme de ans de vn villein.

Et nota bien, que le Seignior poit rob, naufer, et chasser son villein a son volunt: Mais que il ne poit luy maim, car donques il auera appel de maim enuers luy.

Et nota bien, que vn villein poit auer trois actions enuers son Seignior, cest a sauoir, vn appeale de mort son ancesnor, vn appeale de rape fait a sa fem, et vn appeale de maim.

Et nota bien, si deux parcerers port brieve de Niefery, & l'un de eux soit nonsuit, le nonsuit de luy sera adiudge le nonsuit de ambideux, issint que si le nonsuit soit apres appearance, ils serrount barre de cest action a tous iours, car la ley est uel in fauorem libertatis.

Et nota bien, si deux ont vn villein en common, & l'un de eux fait a luy manumission, il ne sera my enfranchise enuers ambideux.

Et nota bien, que en brieve de *Natus habendo*, il couient si

haue a billeine which purchaseth certain land in fee, and after the tenant in dower enterth, she shall haue the land to her and to her heyres for euer more. And the same Law is of Tenant for terme of yeares of a billeine.

And note well, that the Lord may robbe, beat, and chastise his billeine at his will; save onely that he may not maim him, for then he shall haue an appeale of maim against him.

And note well, that a billeine may haue three actions against his Lord, that is to say, an Appeale of the death of his ancesnor, an Appeale of rape done to his wife, & an Appeale of maim.

And note well, if two parcerers bring a writ of Niefery, and one of them be nonsuit, the nonsuit of him shall bee iudged the nonsuit of them both, so that if that nonsuit bee after appearance, they shall be barred from that action for euer, for the law is such in fauour of Libertie.

And note well, if two haue a billeine in common, and one of them make to him a manumission, he shall not be made free against both.

And note well, that in a writte de *Natus habendo*, it behooueth that

that the Lord shew how the defendant cometh to be priue of the blood of the villein of whom he is Lord, &c. And if hee nor none of his ancestors were not seised of none of his blood, hee shall not win by his action, if the villeine haue not knowledged in court of Record himselfe to bee his Villeine.

And note well, that in a writ of Niefery may not be put more Niefes than two onely, and this was first brought in the hatred of bondage. But in a writ de Libertate probanda may bee put as many Niefes as the plaintiffe will.

And note well, that if the villeine of a Lord be tied in ancient demesne of the King, or other towne privileged within a year and a day the Lord may seise him; and if he dwell in the same towne or other place franchised by a yeare and a day, without seisin of the Lord, hee hath no power to seise him after, if hee goe not out of the foresaid franchise.

And some be villeines by title of prescription, that is to say, that all their blood haue bene villeines regardant to the manor of the Lord from time out of minde.

And some bee made villeines by their confession in a Court

le Seignieur mōstre coment le defendant aucigne priue de sanke a celuy villeine de que il est Seignior, &c. Et si il ne nul de ses ancestors ne soit seisi de nul de son sanke, il ne gainera per son Action, si le villeine nad pas conus en court de Record luy estre son Villeine.

Et nota bien, que en vn brieve de Niefery ne purront estre mis plusors Niefes que deux tantselement, et hoc introductum fuit prius in odium seruitutis. Mes en brieve de Libertate probanda, purrount estre mis tants niefes come le plaintiffe voudra.

Et nota bien, que si le Villeine de Seignieur soit fue en auancier demesne del Roy, ou autre Ville privileged, deins lan et iour, le Seignieur poit luy seiser, et sil demurt en la ditte ville ou lieu franchise per vn an & iour, sans le seisin de son Seignieur, il nad my power de luy seiser apres, si il ne va de hors le suisdit franchise.

Et ascuns sont villeines per title de prescription, cestascavoir, que tout leur sanke ont este villeines regardants a le manor dun Sür de temps dont memory ne curt.

Et ascuns sont fait villeines p leur confession en vn Court

The Exposition of

de Record. Auxy le Sür poyt
faire vn manumission a son
villeine, et luy infranches a
tours iours.

of Record. Also the Lord may
make a manumission to his vil-
leine, and mabeth him free for
euer.

Auxy si le villeine port ascun
action vers son Seignior si ne
soit appeale de maithim, & le
Seignior a c' sans protestation
fait respons, donques per ceo
le villeine est franchises.

Also if the villeine bring any
action against his Lord, if he
not appeale of maithim, and the
lord without protestation make
answer unto it, then by this the
villeine is made free.

Auxy si vn villeine purchase
terre, et ad biens, et vend les
terres et biens deuant ascun en-
tre ou seisin fait p le Seignior,
la vender est bon: mes le Roy,
que est Seignior de villeine, en
richese poit enter & seiser le
terre apres tiel vendition fait,
*Quia nullum tempus occurrit
Regi.*

Also if a villein purchase land,
and hath goods, and sel the goods
and lands before any entry or
seisin made by the Lord, the sale
is good. But the King which is
Lord of a villeine, in such case
may enter and seise the land af-
ter such sale made, For no time
runneth against the King.

Villanous iudgement.

Villanous iudgement.

Villanous iudgement est ceo
que est done sur vn In-
dictment del conspiracy, sz. q
le party troue culpable, perdera
son franke ley, ne serra plus
mise en Iuries ou Assises, ne
aylors en testmoignage del
veritie. Et sil ad faire en courtes
le Roy que face son attourney,
& que ses terres, biens, et char-
tels sont seises en maines le
Roy, et estrepes sil ne poit
mellior grace auer, et ses arbres
etages, et son corps imprison.

Villanous iudgement is that
that is giuen upon an In-
dictment of conspiracy, sz. that
the party found gilty shall lose
the benefit of the law, shall neuer
more be triage in iuries or assis-
ses, nor admitted to give any tes-
timony either here and if he haue
to do in the Kings Courts, that
he shall come by attourney, and
not in person, that his lands,
goods and chartels shall be seised
into the Kings hands, and he shal
if he finde not the more ransom,
and

and his trees digg up, and his
body trespas. Stat. 24. E. 3.
34. h. & 27. Aff. pl. 59.

Veices 24. E. 3. fo. 34. b. & 27. Aff.
pl. 59.

V. Count.

Viscount is either the name
of one degree or state of ho-
nour under an Earle, and above
a Baron, or else the name of a
Magistrate & Officer of great
authority, whom we commonly
call (Sheriffe) or to speak more
truly (Shire reue) and was at
the first called (Shire gereue)
that is to say, the keeper of the
Shire, or the Reue or Ruler
of the Shire, for (Gerue), be-
ing deriued of the Saxon word
(Gereteau) to rule, was first cal-
led (Gereffa) and then (Gere-
fa) which betokeneth a Ruler.

And hereof commeth (Port-
reue or Portgreue) a name that
in old time was given to the
head Officer of a Towne, and
signifieth the Ruler of the
Towne, for that (Port) com-
ming of the Latine word (Por-
tus) signifieth a Port towne,
and (Gerue), being deriued as
is aforesaid, signifieth a Ruler,
so that Portgreue, or as we now
shorter speak, a Portreue, is the
Ruler of the Towne.

And thus was the head Offi-
cer or Gouverneur of the City of

Viscount.

Viscount est ou le nomme
de vn degree ou state de
hon soubs vn Countee, et para-
mou, vn Baro, ou le nomme de
vn Magistrate & Officer del
graud authority, q nous com-
munement appellom (Sheriffe)
ou de parler pluis veraiement
(Shire reue) & fuit al prin ap-
pel (Shire gereue) cest adire Cu-
stos comitat, ou le reue ou Ru-
ler del Countie, car (Gerue)
esteant deriue de Saxon parol
(Gereteau) p rule, fuit al primes
appel (Gereffa) & donq (Ge-
refa) que betoken vn Ruler.

Et de ceo vient (Portreue
ou Portgreue) vn nomme que
en viel temps fuit done al chief
Officer d'un Ville, et signifie
le gouverneur del Ville, par ceo
que (Port) veniens de la La-
tine parol (Portus) signifie vn
port Ville, et (Gerue) esteant
deriue come est auantdit, signi-
fie vn Ruler, ainsi que Port-
greue, ou come nous a ore brief-
ment parle ceo (Portreue), est
le Gouverneur del Ville.

Et ainsi fuit le chief Offi-
cer ou Gouverneur del Cite de

Lon-

The Exposition of

Londres long temps past (deuant que ils ad le nomme del Maior ou Bailifes) appel, come il appiert en diuers vieulx monuments: Mes principalment en le Saxon Charter de *Guil- liam* Bastard le Conqueror, que issint commence.

William le King greit *William* Bilceop, & *Godfrey* ges port Gerefant, & dalle tha Burwatreon theon London beon, &c.

Issint ils de Germany (de q nous et nostre language: ensemble primerment vient) appel enter cux vn gouvernour Burgreue, vn auter Margreue, et vn auter Lansgreue, oue tielx semblables, &c.

Cest tant est dit tant seulement pur montre le droit Etymon et antiquity de pol (Sherrife) a quel Officer nostre common ley ad tous foits accordant done grand confidence et authority, come destre vn special preseruer del peace. Et pur ceo tous obligations que il prist a mesme le purpose, sont come recognisance en ley.

Il auxy est vn Iudge de Record quant il tient les Leets ou Turnes, les queux sont courts de Record.

Item il ad le execution et retourne des Briefes, et impan-

London long since (before they had the name of *Matoz* or *Bailifes*) called, as it both appeare in diuers old Monuments: but chiefly in the Saxon Charter of *William* Bastard the Conqueror, which thus beginneth.

William the King greteth *William* the Bishop, and *Godfrey* the Portree, and also the Citizens that in London be, &c.

So also they of Germany (from whom wee and our language together first came) call among them one governour *Burgreue*, another *Margreue*, and another *Lansgreue*, with such like, &c.

Thus much is said onely to shew the right Etymon and antiquity of the word (*Sherrife*) to which Officer our Common Law hath alwayes accordingly given great trust and authority, as to bee a speciall preseruer of the peace. And therefore all obligations that he taketh to the same end, are recognisances in Law.

He also is a Judge of Record when he holds the Leets or Turnes, which are Courts of Record.

Also he hath the execution and returne of Writs, and impan-

neling

selling of Iurtes, and such
like, &c.

selling des Iurtes, et tiels sem-
blables, &c.

Vncore prist.

Vncore prist.

VNcore prist is a plea for the defendant in debt upon an obligation, who being such because he did not pay the debt at the day, pleads to save the forfeiture, that he tendered the money at the day and place, & that no body was there to receive it: and says over that he is yet ready to pay it. And where a man ought to plead over, that he is yet ready, and where not, see in Perkins sect. 783. & 784 & Coke 9. book fo. 79. a. b. in H. Peytors case.

VNcore prist est un plea par le defendaut en det sur obligation, que estant sue par ceo que ne paya le det al iour, plead pur sauver le forfeiture & il tender les deniers al iour & lieu, & que nul suit la pur recevoir: & dit ouster que il est vncore prist de payer. Et lou home doit pleader ouster vncore prist, et lou nemy, veies en Perkins sect. 783 & 784. & Coke lib. 9. fo. 79. a. b. en H. Peytors case.

Volunt.

Volunt.

VOlunt is when the tenant holdeth at the will of the lessor, or of the Lord, and that is in two manners.

VOlunt est quant le Tenant tyent a le volunt del Lessor, ou del Seignieur, & ceo est en deux manners.

One is, when I make a lease to a man of lands, to hold at my will, then I may put him out at my pleasure: But if he sow the ground, and I put him out, then he shall haue his cozne, and going out and coming in til they be ripe to cut and carry out of the ground.

Vn est, quant ieo face lease a vn home de terres, a tener a ma volunt, donques ieo puisse luy ouster a mon pleasure: Mes si il emblee le terre, & ieo luy ouste, donques il auera son embleement, & egrisse & regresse iques ils sont mature pour eux scier & carier hors d'il.

And such tenant at will is

Et tiel tenant a volunt nest pas

The Exposition of

pas tenu de sustainer & repayer le meison, sicome Tenant a terme de ans est tenu : Mes si il fait voluntary waste, le Lessor auera vers luy vn action de Trespasse.

not bound to sustaine and repaire the house, as a tenant for terme of yeares is bound : But if hee make wilfull waste, the lessor shall haue against him an action of Trespasse.

Auxy la est auter tenant a volunt del Seignior, per Copy de Court Roll solonque le custome del Mannor : Et tiel tenant poyt surrender le terre en les maines le Seignior per le custome al vie vn auter pur terme de vie, ou en fee simple, ou fee talle, & donqs il prendra le terre del Seignior ou son Seneschal p copie, & ferra fine al Seignior. Mes si le Seignior ousta tiel Tenant, il nad remedy mes de suer per petition, & si tiel Tenaunt voile implead vn auter des terres, &c. il couient enter vn plaint en le Court, & courtera en le nature de quel brieve il voit, sicome le case gilt.

Also there is another Tenant at will of the Lord, by copy of Court Roll according to the custome of the Mannor : and such a tenant may surrender the Lands into the hands of the Lord by custome to the use of another for terme of life, or in fee simple, or in fee talle, and then he shall take the land of the Lord, or his Steward by Copy, and shall make fine to the Lord : But if the Lord put out such a Tenant, he hath no remedy but to sue by petition, and if such a tenant will implead another of the Lands, &c. he ought to enter a plaint in the Court and shall declare in the nature of what writ he will, as the case lieth.

Voucher.

Voucher est quant Princeps quod reddat de terre est port vers vn home, & vn auter doit garsant le terre al Tenant, donques le Tenaunt luy vouchera a garantie, & sur ceo il auera vn Brieve appel Summons ad warrantizandum : Et si le Viscount retourne que il

Voucher.

Voucher is when a Princeps quod reddat of land is brought against a man, and another ought to warrant the land to the Tenant, then the Tenant shall vouch him to warranty, and thereupon hee shall haue a Writ called Summons ad warrantizandum : And if the Sheriff

Sherrife retorne that hee hath nothing by the which hee may be summonned, then there shall goe forth a writt called *Sequatur sub suo periculo*, and when hee cometh he shall plead with the demandant, and if he come nat, or if he come and cannot barre the demandant, then the demandant shall recouer the land against the tenant, and the Tenant shall recouer as much land in value against the Vouchee, and thereupon shall haue a writt called *Capias ad Valentiam*, against the Vouchee.

Look more of Voucher before in the title of Garrantie.

nad ryens per que il poyt este summon, donques iussera brieſe appel *Sequatur sub suo periculo*, et quaut il viene il pleadera ouesque le demaundant, & sil vient et ne poit barre le Demaundant, donques le Demaundant recouera le terre vers le Tenaunt, et le Tenaunt recouera tant de terre en value vers le Vouchee, et sur ceo il auera vn Brieſe appel *Capias ad Valentiam*, vers le Vouchee.

Vide pluis de Voucher deuant, tit. Garrantie.

Vſes.

Vſes.

VSes of Land had beginning after that the custome of property began amongst men: as where one being seised of land in Fee simple, made a feoffment to another without any consideration, but onely meaning that the other should be seised to his vse, and that he himselfe would take the commodity and profits of the lands, and that the feoffee should haue the possession and franktenement thereof to the same vse, &c.

Now after this, upon good considerations, and to auoid diuers mischiefs and inconueni-

VSes de terre ad son commencement apres que le custome de pproperty commence enter homes: come ou vn esteant seisie de terres en Fee simple, fait vn feoffement al vn auter sauns aucun consideration, mes solement meaning que le auter serroit seisie al son vse, et que il mesme voile prendre le commoditie et profits de les terres, et que le feoffee doit auer le possession et franktenement de ceo al mesme le vse, &c.

Ore apres ceo, sur bone considerations, et pur auoyer diuers mischiefs et inconueni-

ences,

The Exposition of

ences, suit le Stat. de an. 27. H. 8. ca. 10. puruier, quel vniter le vse et possession ensemble, issint que il que ad le vse de terre, et il mesme ad le possession de ceo, accordant al vse que il auoit en ceo per vertue de cest estatute.

ences, was the Stat. of an. 27. H. 8. cap. 10. provided, which uniteth the vse and possession together, so that who hath the vse of the land, the same hath the possession thereof, according to the vse he hath therein by vertue of that Statute.

Usury.

Usury est vn guine de aucun chose ouster le principal, ou ceo que fuit lent, exactement en consideration de le loan, soit il de Corne, Viande, Appareil, Wares, ou riex semblables, come de money.

Et icy mult poyt estre dit, et diuers cases poynt estre mys concernants Usury, le quel de purpose ieo omit, solement ieo pria, que ceux que accompnt eux mesmes religious et bone Christians ne voylent deceiue eux mesmes per colour de le statute de Usury, pur ceo que le statute dit, que il ne serra loyal pur aucun de prender ouster x. li. en le C. li. par un an, &c. per que ils collect (mes fauxment) que il poyent per ceo prender x. li. par le loan dun C. li. oue vn bone conscience, pur ceo que le Statute solongue vn maner dispence oue ceo, (pur ceo que il ne punishe tielx prendors) quel chose il

Usury.

Usury is a gain of any thing about the principall, or that which was lent, exacted onely in consideration of the loane, whether it bee Corne, Meat, Apparell, Wares, or such like, as money.

And here much might be said, and many Cases might be put concerning Usury, which of purpose I omit; onely I wish that they who account themselves religious and good Christians, would not deceiue themselves by colour of the Statute of Usury, because the Statute saith, that it shall not be lawfull for any to take about x. li. in the C. li. for a yere, &c. whereby they gather (although falsly) that they may therefore take ten pounds for the loane of an hundred pounds, with a good conscience, because the Statute doth after a sort dispence withall, (for that it doth not punish such taking) which thing it cannot

cannot doe with the lawes and ordinances of God, so; will haue his Decrees, to bee kept inuolable, who saith, Lend, looking for nothing thereby, &c. by which word is included either the taking of x. li. v. l. yea, or one penny above the principall. But rather let such thinke, that Statute was made vpon like cause that moued Moses to giue a bill of diuorce to the Israelites, as namelly to auoid a greater mischief, and for the hardnesse of their hearts.

And now let all men know, that by the statute of 13. Eliz. chap. 8. hee that takes vnder ten pounds for the loane of C. li. for a yeare, shall forfeit the interest so taken; and therefore the statutes giue no countenance or protection to Usurers: And to say so is a slander to our Law. And the Statute of 21. Iac. chap. 27. hath expressly ordained that no word in that law, shall bee construed and expounded to allow the practice of Usury in point of Religion or Conscience,

ne poyt sayre oue les Leyes & Ordinances de Dieu, car Dieu voyle auer ses Decrees obserue inuiolable, que dit, Lend, expectant pur nul chose pur ceo, &c. Per queux parolx est exclude, le prisel de x. li. v. li. ou de vn denyer ouster le principal. Mes plus pensant tiels, que cest Statute fuit fait sur tiel semble cause que mouer *Moses* de doner vn bil de diuorce a les Israelites; come noismement pur auoider vn greinder mischiese; et pur le durtie de lour ceurs.

Et a ore tous gents sachant que per lestatute de 13. *Eliz. cap. 8.* cestuy que prist desouth x. li. pur le loan dun C. li. pur vn an, forfeite l'interest issint prise; et pur ceo les statutes ne donont aucun countenance ou protection as Usurers: Et issint adire est vn menxery controuuee contre nostre ley. Et lestatute de 21. *Iac. cap. 27.* ad ordeine expressement que nul parol en ceo ley serra construe ou expound pur alover le practice del Usury, en point del Religion, ou Conscience,

Vilarie.]

Vtlary.

Vtlarie, est quant vn Exigent issist vers ascun home de appearer en ascun Court de faire respons al ascun action ou indictment, et Proclamation fait en 5. Counties, si le defendant ne appear; donques le Coroner donera iudgement que il sera hors de protection de Roy, et hors del aide le Ley.

Et per tiel vilarie en Actions personals, le partie vilage forfeitera tous ses biens et chateux al Roy.

Et per vtlary en felony il forfeitera auxy bien tous ses terres et tenements que il ad en Fee simple, ou pur terme de sa vie, come ses biens et chateux.

Auxy mesque vn home soit vilage, vncore si ascun discontinuance ou erreur soit en la suit del Proces, le party de ceo auera la aduantage, et per tiel cause l'utlagary sera reuerse & aduulle.

Auxy si le party defend soit ouster la Mere al temps del vilagarie pronounce, ceo est

VTlary, is when an Exigent goeth forth against any man, to appeare in any Court to make answer to any action or indictment, and Proclamation made in five Counties, then at the fifth County if the defendant appeare not, then the Coroner shall give iudgement that he shall be out of the protection of the King, and out of the ayde of the Law.

And by such vtlary in Actions personals, the party outlawed shall forfeit all his goods and chattels to the King.

And by an vtlary in felony he shall forfeit as well all his lands and tenements that he hath in Fee simple, or for terme of his life, as his goods and chattels.

Also though a man be outlawed, yet if any error or discontinuance be in the suite of the proces, the party thereof shall haue aduantage, and for such cause the vtlary shall be reueried and aduulled.

And if the party defendant be ouer the sea at the time of the vtlary pronounced, that is a good cause

cause of the reuerfall of the
btlary.

bonne cause de reuerfal - de
vilarie.

Also if an Exigent be award-
ed against a man in one coun-
ty where he dwelleth not, yet an
Exigent with Proclamation
shall goe forth to the County
where he dwelleth, or else if he
be thereupon outlawed, the btlary
may be reuerfed, as it appea-
reth by the Statute made the 6.
and 4. yere of King H.8. cap 4.

Auxy si vn Exigent soit a-
gard vers vn home en vn couun-
te lou il ne demure pas, vncore
vn Exigent oue Proclamation
iſſera al county lou il demurre,
ou autrement fil soit sur deo
vilage, vilagarie poit eſte re-
uerſe, come appiert per leſtat
fait anno 6. & 4. H. 8. cap 4.

And if a man be outlawed in
action personall at the ſuit of a-
nother, and after he purchase
his Charter of pardon of the
King, ſuch Charter ſhall neuer
be allowed, till hee hath ſued a
writ of Scire facias to warne the
party plaintiffe, and if he appear,
then the defendant ſhall anſwer
him, and bar him of his action,
or else to make agreement with
him.

Auxy si vn soit vilage en a-
ction personal al ſuit dun au-
ter, et puis il purchase ſon char-
ter de pardon de Roy, ſiel
charter ne ſerf iamais allowe,
tanque il ad ſue vn brieſe de
Scire facias de garſi le party
plaintiffe, et ſi il appeare, dona-
ques le defendant reſpondra
a luy, et luy barref de la action,
ou autrement de faire agreement
ouelſque luy.

Verum.

Verum.

Verum is a writ, and it lyeth
when the right of any
Church is aliene and holden
in lay fee, or translated into the
possession of any other Church,
and the alienour dyeth, then his
ſucceſſour ſhall haue the ſaid
writ, whercof an enqueſt ſhall
be charged to try whether it be
the free almes of the Church, or
lay fee.

Verum eſt vn brieſe, et giſt
quant le droit de ſcun
Eſgliſe eſt aliene et tenu en
lay fee, ou translate en poſſeſ-
ſion d'autor Eſgliſe, et alienour
deuie, donques ſon ſucceſſour
auera le dit brieſe, per que vn
enqueſt ſera charge de trier
*Verum ſit libera eleemoſyna Ec-
cleſie, vellaicam ſecundum.*

Q. 9

Et

The Exposition of

Et nota, que nul que ad cou-
ment ou common seale, poit
meintener cest briefe, mes
briefe de *Entre sine assensu Capi-
tuli*, de alienation fait per son
predecessor.

And note well, that none that
haue couent or common seale,
may maintaine this writ, but a
writ of *Entre sine assensu Capi-
tuli* of the alienation made by
his predecessor.

W.

Wage.

WAge est le donant secu-
ritie pur le performance
de aucun chose; come a gager
ley, et a gager deliuerance,
queux veies deuant en *Gage*.
Nul gagera ley encounter le
Roy, *Brooke tit. Chose en Action*
nu. 6. Veies Ley.

W.

Wage.

WAge, is the giuing secu-
rity for the performing
of any thing; as to wage law,
and to wage deliuerance, which
see before in *Gage*. None wa-
geth law against the king, *Brook*
tit. Chose en Action, nu. 6. De
Lam.

Waife.

Waife, est quant vn laron
ad feloniously emblee
biens, et esteant neerement
pursue oue hue et cry, ou au-
terment surcharge oue le bur-
den ou trouble des biens, pur
son ease et plus speedy traualle,
sans hue et cry, sua et vaiua les
biens ou aucun part de eux a-
rreter luy, &c. donques le offi-
cer del Roy, ou le Reeue ou
Bailife al Seignieur del man-
nour (deins que iurisdiction

Waife.

Waife, is when a theefe hath
feloniously stolen goods, and
being neerely followed with hue
and cry, or else overcharged
with the burden or trouble of
the goods, for his ease sake and
more speedy traualing, without
hue and cry, flyeth away, and
leaueth the goods or any part of
them behinde him, or then the
Kings officer, or the Reeue or
Bailife to the Lord of the man-
nour (within whose iurisdiction

ou circuit they were left) that by prescription, or grant from the King, hath the franchise of waife, may seise the goods so waived to their Lords use, who may keepe them as his owne proper goods, except that the owner come with fresh suit after the felon, and sue an appeale, or give in evidence against him at his arraignment upon the indictment, and he bee attainted thereof, &c. In which cases the first owner shall haue restitution of his goods so stolen and waived.

And although, as hath bene said, waife is properly of goods stolen, yet waife may be also the goods that are not stolen: As if a man bee pursued with hue and cry, as a felon, and he flyeth and leaueth his owne goods, &c. these shall be taken as goods waived, and forfeit as if they had bene stolen.

But see Foxleyes case, Coke lib. 5. fo. 109. b. that these are not goods waived, but goods of fugitives, which are not forfeited till it be found before the Coroner, or otherwise of record that he fled for the felony.

ou circuit ils fueront waife) que per prescription, ou grant de Roy, ad le franchise de waife poyent seiser les biens issint waife al use de leur Seigniors, que poyent retaine eux come ses proper biens, sinon que le owner vient ouesque fresh suit apres le felon, et sue vn appeale; ou done en evidence enuers luy al son arraignment sur le indictment, & il est attaint de ceo, &c. En queux cases le primer owner auera restitution de ses biens issint emblee et waife.

Mes nient obstant, come ad este dit, waife est properment de biens emblees, vncore waife poyt este auxy de biens nient emblees: Come si vn home soit pursue ouesque hue et cry, come vn felon, et il fue et relinquis ses biens demesne, &c. ceux sera prise come biens waife, et forfeit come ils ad este emblees.

Mes veies Foxleyes case, Coke lib. 5. fo. 109. b. que ceux ne sont bona waniata, sed bona fugitina: si queux ne sont forfeits tanq soit troue deuant le Coroner, ou autrement de record que il fua pur le felony.

293 Waive.

Waine.

WAine, est vn feme que est vilage, et il est appel waine, quasi relicta à lege, et nemy vilage come home: Car femes ne sont iures en Lects al Roy, ne al ley, come homes sont, et pur cest cause ils ne poyent estre die vilage, entant q' ils ne vniques fueront deins l'eo. *Veies Fitz. N. B. fo. 161. A.*

Mes vn home est dit vilage, pur ceo que il fait vn foits iure à le ley: Et a ore pur contemps il est mishors del ley, et dictus vilagatus, quasi extra legem positus.

Wapentake.

WApentake est tout vn one ceo que nous appellomus Hundred, come appiert per *Bract. Lib. 3. Tract. 2. Cap. 1. num. 1. in fine.* Monsieur Lambert en son explication de Saxon parols, verbo *Centuria*, dit, Que cest parol *wapentake* est plus especialment vse a cest iour en les pays ouster le fluue de Trent: Et en les Leyes del *Roy Edward* (p' luy public) *num. 33.* il est fort plaine en

Waine.

WAine, is a woman that is outlaid, and she is called waine, as left out of forsaiken of the laie, and not an outlay as a man is: for women are not sworn in Lects to the King, nor to the Law, as men are, who therefore are within the Law, whereas women are not, and for that cause they cannot be said outlaid, in so much as they neuer were within it.

But a man is called waine, because that he has once sworn to the Law: And now for contemps he is out of the Law, & is called waine, as one should say without benefit of the laie.

Wapentake.

WApentake is al one towch that towch is call hundred, as appeareth by *Bract. lib. 3. tract. 2. cap. 1. in the end.* Master Lambert in his explication of *Maximis*, verbo *Centuria*, saith, That this word Wapentake is more observable & usd at this day in the Countres beyond the River Trent: And in the lawes of King Edward (by him set forth) *num. 33.* it is most plaine in these words. And

And what the Eng'lish terme Hundred, the foresaid Countries call Wapentake.

The Statutes Anno 3. Hen. 5. cap. 2. and Anno 9. H. 6. cap. 10. and anno 15. H. 6. cap. 7. make mention of Strainctise Wapentake, and Friendlesse Wapentake in Crauen in the County of Yorke. See Roger Houeden, par. poster. Annal. fol. 346.

ceux parols, *Et quod Angli vocant Hundredum, supradicti comitatibus vocant wapentakium,*

Les Statutes Anno 3. Hen. 5. cap. 2. & Anno 9. Hen. 6. cap. 10. & Anno 15. Hen. 6. cap. 7. font mention de Strainctise Wapentake, & Friendlesse Wapentake en Crauen en le County de Euerwicke. Veies Roger Houeden par. post. Ar. fo. 346.

Warden.

Warden.

WArden is of the same signification as is the french word Gardeine, and therefore of this is more in the title Gardeine: But it is the most vsuall word of all that write in English, for him that hath the custody and charge of any person or thing by office, as Wardens of the fellowships in London, Anno 14. Hen. 8. cap. 2. Wardens Courts, Anno 31. Hen. 6. cap. 3. Warden of the Marches, Anno 4. H. 7. cap. 8. Ferry warden, Anno 18. Eliz. cap. 10. & Anno 27. Eliz. cap. 16. Wardens of the Peace, Anno 2. Edw. 3. ca. 3. Wardens of the West Marches, Camden Brit. pag. 606. Warden of the Forest, Manwood part. 1. pag. 111, 112. Warden of the Blunage, Anno 18. H. 6. cap. 16. Warden of the Kings Prison in the Tower, Anno 1.

WArden est de mesme signification come est le parol François Gardeine, et pur ceo veies plus en le tittle Gardein; Mes il est le plus vsual parol de tous que escrient en Anglois, pur luy que ad le custodie ou charge de ascun person ou chose per office, come Wardens d Fraternities & Londres, Anno 14. Hen. 8. cap. 2. Warden Courts, Anno 31. Hen. 6. cap. 3. Warden del Marches, Anno 4. Hen. 7. cap. 8. Ferry warden, Anno 18. Eliz. cap. 10. & Anno 27. Eliz. cap. 16. Wardens del peace, Anno 2. Edw. 3. cap. 3. Wardens del West Marches, Camden Brit. pag. 606. Warden del Forest, Manwood part. 1. pag. 111, 112. Warden del Aulnage, Anno 18. H. 6. cap. 16. Warden del Armour le Roy en le Tower, Anno 1.

The Exposition of

Edw. 4. cap. 1. Chiefe Warden del Forest, Manwood part. 1. pag. 42, 43. Warden del Wardrobe le Roy, Anno 5. H. 3. Stat. 5. Wardens des Tables del Eschange le Roy, Anno 9. Edw. 3. Statut. 2. cap. 7. & Anno 9. Hen 5. Statut. 2. cap. 4. Warden des Rolles del Chancerie, Anno 1. Edw. 4. cap. 1. & 5. Et Wardens & Communaltrie des Terres contributory al Rochester Bridge, Anno 18. Eliz. cap. 17.

Edw. 4. cap. 1. Chiefe Warden of the forest, Manwood part. 1. pag. 42, 43. Warden of the kings Wardrobe, Anno 5. Hen. 3. Stat. 5. Wardens of the Tables of the Kings Exchange, Anno 9. Edw. 3. Statut. 2. cap. 7. & Anno 9. H. 5. Statut. 2. cap. 4. Warden of the Rolles of the Chancery, Anno 1. Edw. 4. cap. 1. & 5. And Wardens and Communalty of Lands contributory to Rochester Bridge, Anno 18. Eliz. cap. 17.

Wardmote.

Wardmote.

Wardmote est vn terme mention en l'estature de 32. H. 8. cap. 17. et signifie vn Court que est tenu en chescun ward en Londres, et est vsualmente appelle Wardmote Court, ou le Wardmote Enquest.

Wardmote is a terme mentioned in the Statute of 32. H. 8. cap. 17. and it signifies a court that is kept in every ward in London, and is usually called the Wardmote Court, or the Wardmote Inquest.

Warrantia diei.

Warrantia diei.

Warrantia diei est vn briefe que gisten en case l'ou home ad iour en ascun action sue vers luy de appare en proper person, et le Roy a cest iour ou deuant luy maunde en ascun seruice, issint que ne poit appare al iour en court, donques il poit auer cest briefe direct as Iustices, que ils ne re-

Warrantia diei is a briefe that lyes in case where a man hath a day in any action sued against him to appeare in proper person, and the King at that day or before employes him in some seruice, so that he cannot appeare at the day in court, then he may haue this writ directed to the Iustices, that they shall not

not recoꝝd him to be in default
foꝝ his not appearing. And ſe
of this Fitz. N. B. fo. 17. A. and
foꝝ the forme of the writ ſe
Glauile aſſe, lib. 1. cap. 8.

cord luy deſtre en default pur
ſon non appareance. Et veies
de ceo Fitz. N. B. fo. 17. A. &
pur le forme del briefe veies
Glauile auxy, lib. 1. cap. 8.

Warrantia charta.

Warrantia charta.

Warrantia charta is a writ
that lyos foꝝ him that is in-
ſeoffed with warranty, and is
afterward imploried in an Aſſi-
ſe; or other action in which he
cannot bench, then he may haue
this writ againſt the feoffoꝝ;
his heire, to compell them to
warrant the land unto him. And
ſe of this Fitz. N. B. fo. 134. D.

Warrantia charta eſt vn brief
que giſt par ceſtuy que eſt
inſeoffe ouz garranty, et eſt
apres imploried en vn Aſſiſe ou
auter action, en que ne poit
vouch, donques il auera ceſt
briefe vers le feoffoꝝ, ou ſon
heire, pur compell euz de gar-
rantee le terre a luy. Et veies
de ceo Fitz. N. B. fo. 134. D.

Warren.

Warren.

Warren, is a place princi-
pally by preſcription; graunt
of the King foꝝ the preſervation
of Hares, Conies, Partridges,
geese, and pheasants, or any of
them.

Warren, eſt vn lieu princi-
pally par preſcription; ou
graunt del Roy pour la preſer-
uation delz Leperrets, Cunicles,
Perdiccs, & Pheasants, ou aſcun
de euz.

Wardwite.

Wardwite.

Wardwite, (or Wardwite, as ſome
copies haue it) that is to be
quits of giving of money foꝝ he-
ding of Hares.

Wardwite, (ou Wardwite, come
aſcuns copies ad ceo) hoc
eſt quietum eſſe de denariis
dandis pro wardis faciendis.

The Exposition of

Wast.

Wast.

Wast, est l'on tenant a terme dans, tenant a terme de vie, ou tenant p^r terme d'auce vie, tenant an dower; ou tenant per le curtesie, ou gardeien en Chivalry fait wast ou destruction sur la terre, cest aueoir, fil debrusa meafon, ou coupe merisme, ou fustier le meafon voluntario pur eschier, ou fustier la terre, donques cest un de reuersion auera un briefs pur cest wast, & recouera le lieu ou le wast fuit fait, & treble damages.

Et si home coupe merisme sans licence, & ouesque ceo repaire les ancient meafons, encore ceo nest pas wast. Mes si il ouesque le merisme edifie un nouel meafon, donques le couper p^r cel merisme est wast. Auxy le couper de subboys ou Willowes, que nest pas merisme, ne serra dit wast, sinon que cressont en arbre ou soit del meafon.

Wast, is tobere tenement for terme of yeares, tenaunt for terme of life, or tenaunt for terme of anothers life, tenant in dower, or tenant by the curtesie, or gardian in Chivalry doeth make wast or destruction upon the Land, that is to say, pulleth downe the house, or cuttech downe timber, or fustiereth the house willingly to fall, or diggeth the ground, then he in the reuersion shall haue one wote for that wast, and shall recouer the place tohere the wast is done, and treble damages.

And if a man cut downe timber without licence, and there-with repaireth old houses, yet that is no wast. But if he with the timber build a newe house, then the cutting downe of such timber is wast: also the cutting downe of under wood, or willowes, which is no timber, shall not be said to be wast, but if they grow in the sight or shadow of the house.

Wast, est l'on tenant a terme dans, tenant a terme de vie, ou tenant p^r terme d'auce vie, tenant an dower; ou tenant per le curtesie, ou gardeien en Chivalry fait wast ou destruction sur la terre, cest aueoir, fil debrusa meafon, ou coupe merisme, ou fustier le meafon voluntario pur eschier, ou fustier la terre, donques cest un de reuersion auera un briefs pur cest wast, & recouera le lieu ou le wast fuit fait, & treble damages.

Wast, is tobere tenement for terme of yeares, tenaunt for terme of life, or tenaunt for terme of anothers life, tenant in dower, or tenant by the curtesie, or gardian in Chivalry doeth make wast or destruction upon the Land, that is to say, pulleth downe the house, or cuttech downe timber, or fustiereth the house willingly to fall, or diggeth the ground, then he in the reuersion shall haue one wote for that wast, and shall recouer the place tohere the wast is done, and treble damages.

Wast.

Wharfe.

Wharfe.

Wharfe is a word used in the Statute of 1. Eliz. chap. 11. and other Statutes, and it is a broad place next to a creek or hithe of water, upon which goods and wares are laid which are to be shipped and transported from place to place.

Wharfe est vn parol vse en lestatute de 1. *Eliz. cap. 11.* et en autres statutes, et est vn ample lieu prochaine al creek ou hithe del eane sur que biens & wares sont iceits, qui sont destre eskipts et transports del vn lieu al autre.

Withernam.

Withernam.

Withernam is the taking or draving of a distresse to a hold, or out of the County, so that the Sherife cannot upon repleyn make deliuerie thereof to the party distrained, in which case a writ of Withernam is directed to the Sherife for the taking of as many of his beasts that did thus unlawfully distraine, or as much goods of his into his keeping, untill he hath made deliuerance of the first distresse. Also if the beasts be in a fortlet or castle, the Sherife may take with him the power of the County, and beat down the castle, as appeareth by the Statute of Westminster. 1. cap. 20. Brit. cap. 27.

Withernam est le prisure ou chafer dun distresse a vn forteresse, ou hors del County, issint que le Viscount ne poit sur repleyn faire deliuerance de ceo al party distraint, en q^l case vn brieve de *withernam* est direct al Viscount pur le prisel de tants de ses auers que issint illoyalement distraint, ou tants de ses biens en son custody, ief- que il ad fait deliuerance de le prim distresse. Auxy si les auers sont en vn Fortlet ou Castle, le Viscount puit prendre ouc luy le pover del County, & debruier le Castle, come ap- pient per le Statute de *West. 1. m. 20. Brit. cap. 27.*

Woodgeld.

Woodgeld semble deestre le collection ou succider de boys deins le Forest, ou argent prise par mesme al vse des forestiers. Et le priuiledge de ceo per le grant le Roy, est p *Cromp. fol. 97.* appel Woodgeld.

Woodmote.

Woodmote est le vicle nom de ceo Court del Forest que a ore apres le Statute de Charta de Forest, est appelle Court des Attachments, & p ceo Stat. est tenu chescun 40. Jours, mes soloit deestre tenu al vblunt des chiefe officers del Forest, & nemy al ascun temps certain. Veies *Mannwood For. lyes, cap. 22 fo. 207. 2.*

Woolferthfod.

Woolferthfod est le condition de tels que fueront vilage en le temps del Saxons, qui nient submitterant eux mes al Justice, car s'ils poient estre prise en vise, ils seroient port al Roy, & s'ils en pauer d'apprehension eux memes defenderont, ils poient estre tue, & estes port al Roy; car ils at le teste dun Woolf, e, leur teste ne fait plus

Woodgeld.

Woodgeld seemeth to be the gathering or cutting of wood within the forest, or money payd for the same to the foresters. And the immunity from this by the kings grant, is by *Cromp. fo. 197.* called Woodgeld.

Woodmote.

Woodmote is the old name of that Court of the forest which is now since the statute of Charta de Foresta, called the court of Attachments, and by that statute is held every forty dayes, but was wont to be held at the will of the chiefe officers of the forest, and at no certain time. See *Mannwoods for. laves, chap. 22 fo. 207. 2.*

Woolferthfod.

Woolferthfod is the condition of such which were outlawed in the Saxons time for not submitting themselves to Justice, for if they could be taken alive, they should be brought to the king, and if they in fear of apprehension did defend themselves, they might be slain, and their heads brought unto the K. for they carried a wolles head, that is to say, their head was no

more to be accounted of than a
Wolfe head, being a beast so
hurtfull to man. See the lawes
of King Edward by Master
Lambert fo. 127. nu. 7. & Bract.
lib. 3. Tract. 2. cap. 11. this is
written Wulvesheued by Ro-
ger Houeden, part. poster. Annal.
fol. 343.

deſtre regard que le teſte
Woolfe, que fuit vn beaſt
torious al homes. Veies
leyes del Roy Edouart p Ma-
ſieur Lambert fo. 127. nu. 7.
Bracton lib. 3. Tract. 2. cap. 11.
ceo eſt eſcrie Wulvesheued p
Roger Houeden, part. poſter. annal
fol. 343.

Wrecke.

Wrecks.

VVRecke, or Varech, (as the
Normans from whom it
came, call it) is where a ship is
perished on the sea, and no man
escapeth alive out of the same,
and the ship, or part of the ship so
perished, or the goods of the ship
come to the land of any Lord,
the Lord shall have that as a
wreck of the sea. But if a man,
or a dog, or a cat, escape alive, so
that the party to whom the goods
belong, come within a year and
a day, and prove the goods to
be his, he shall have them again,
by provision of the Statute of
West. 1. c. 4. made in King Ed. 1.
days, who therein followed the
decree of H. 1. before whose daies,
if a ship had bene cast on shore,
torne with tempest, and were
not repaired by such as escaped
alive within a certaine time,
that then this was taken for
Wrecke.

VVRecke, ou Varech, (come
les Normans de que il
vient, appellont ceo) est quant
vn nief est pish sur le mer, &
nul home escape viue hors del
nief, & le nief, ou pt del nief
issint pish, ou les biens del nief
vient al teſ d'ascun Sñr, le Sñr
les auera cõ vn wreck d le
riere. Mes si vn hom, ou vn
chien, ou catte, escape viue, issint
q le parry a q les biens sont
veigne deins lan & iour, &
prooue les biens deſtre ſes, il
auera eux arere, per prouision
del Statute de westm. 1. cap. 4.
fait en les iours del Roy E. 1.
que en ceo followed le decree
de Hen. 1. deuant que iours si
vn Niefe ad estre iect sur le
shore, torne oue tempest, &
nemy repaire per eux que esca-
pont en vie deins vn certaine
temps, que donques ceo fuit
pris come Wrecke.

FINIS.

